

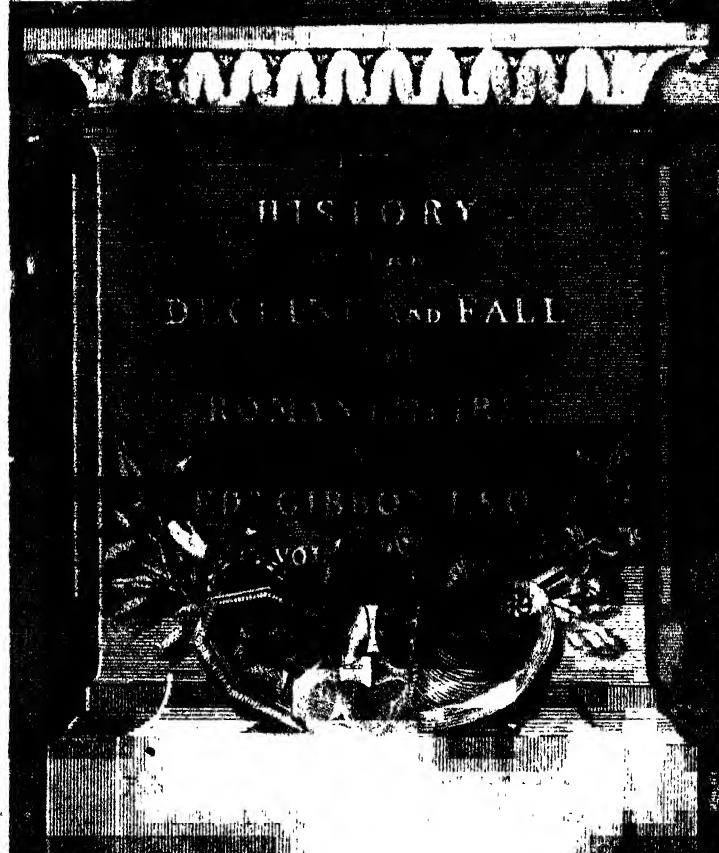
तमसो मा ज्योतिर्गमय

SANTINIKETAN
VISWA BHARATI
LIBRARY

937

G. 35

V. 6



THE
HISTORY
OF THE
DECLINE AND FALL
OF THE
ROMAN EMPIRE.

BY
EDWARD GIBBON, ESQ.

IN NINE VOLUMES.

VOL. VI.

A NEW EDITION,
WITH NUMEROUS EMBELLISHMENTS.

LONDON:
PUBLISHED BY S. A. AND H. ODDY,
OXFORD STREET.

1809.

*Printed by J. & W. Smith,
King Street, Seven Dials.*

TABLE OF CONTENTS

OF

THE SIXTH VOLUME.



CHAP. XLIII.

Rebellions of Africa.—Restoration of the Gothic Kingdom by Totila.—Loss and Recovery of Rome.—Final Conquest of Italy by Narses.—Extinction of the Ostrogoths.—Defeat of the Franks and Alamanni.—Last Victory, Disgrace, and Death of Belisarius.—Death and Character of Justinian.—Comets, Earthquakes, and Plague.

A.D.	PAGE
535—545. THE Troubles of Africa.....	1
543—558. Rebellion of the Moors	4
540 Revolt of the Goths	6
541—544. Victories of Totila, King of Italy	7
Contrast of Greek Vice and Gothic Virtue	9
544—548. Second Command of Belisarius in Italy	11
546 Rome besieged by the Goths	12
Attempt of Belisarius	14
Rome taken by the Goths.....	15
547 Recovered by Belisarius.....	17
548 Final Recall of Belisarius	19
549 Rome again taken by the Goths	21
549—551 Preparations of Justinian for the Gothic War....	23
552 Character and Expedition of the Eunuch Narses	24
Defeat and Death of Totila	27
Conquest of Rome by Narses	29
553 Defeat and Death of Teias, the last King of the Goths	30
Invasion of Italy by the Franks and Alamanni	33
554 Defeat of the Franks and Alamanni by Narses	34
554—568. Settlement of Italy	37
559 Invasion of the Bulgarians.....	39
Last Victory of Belisarius	40
561 His Disgrace and Death	41

A.D.	PAGE
565 Death and Character of Justinian.....	44
531—539. Comets.....	46
Earthquakes	48
542 Plague—its Origin and Nature.....	50
542—594. Extent and Duration	53

CHAP. XLIV.

Idea of the Roman Jurisprudence.—The Laws of the Kings.—The Twelve Tables of the Decemvirs.—The Laws of the People.—The Decrees of the Senate.—The Edicts of the Magistrates and Emperors.—Authority of the Civilians.—Code, Pandects, Novels, and Institutes of Justinian:—
I. Rights of Persons.—II. Rights of Things.—III. Private Injuries and Actions.—IV. Crimes and Punishments.

A.D.	PAGE
The Civil or Roman Law	55
Laws of the Kings of Rome.....	56
The Twelve Tables of the Decemvirs.....	58
Their Character and Influence	60
Laws of the People	61
Decrees of the Senate.....	63
Edicts of the Prætors.....	ib.
The perpetual Edict	65
Constitutions of the Emperors	ib.
The legislative Power	67
Their Rescripts	68
Forms of the Roman Law	ib.
Succession of the Civil Lawyers	70
A.U.C.	
303—648. The first Period	ib.
648—988. Second Period	71
988—1230. Third Period	ib.
Their Philosophy	72
Authority	73
Sects	74
A.D.	
527 Reformation of the Roman Law by Justinian.....	77
527—546. Tribonian.....	ib.
528, 529. The Code of Justinian	79
530—533. The Pandects or Digest	80
Praise and Censure of the Code and Pandects	81
Loss of the ancient Jurisprudence	83
Legal Inconstancy of Justinian	85
534 Second Edition of the Code.....	ib.
534—565. The Novels.....	86
533 The Institutes.....	87
I. OF PERSONS. Freemen and Slaves	ib.
Fathers and Children.....	89

CONTENTS.

V

A.D.	PAGE
Limitations of the paternal Authority.....	91
Husbands and Wives.....	93
The religious Rites of Marriage	94
Freedom of the matrimonial Contract.....	95
Liberty and Abuse of Divorce.....	96
Limitations of the Liberty of Divorce	97
Incest, Concubines, and Bastards	99
Guardians and Wards	101
II. OF THINGS. Right of Property	102
Of Inheritance and Succession.....	105
Civil Degrees of Kindred	106
Introduction and Liberty of Testaments.....	107
Legacies	108
Codicils and Trusts	109
III. OF ACTIONS	110
Promises	111
Benefits	112
Interest of Money	113
Injuries	114
IV. OF CRIMES AND PUNISHMENTS	115
Severity of the Twelve Tables.....	116
Abolition or Oblivion of penal Laws.....	118
Revival of capital Punishments	120
Measure of Guilt	121
Unnatural Vice	122
Rigour of the Christian Emperors	123
Judgments of the People	125
Select Judges	126
Assessors.....	127
Voluntary Exile and Death	ib.
Abuses of Civil Jurisprudence.....	129

CHAP. XLV.

Reign of the younger Justin.—Embassy of the Avars.—Their Settlement on the Danube.—Conquest of Italy by the Lombards.—Adoption and Reign of Tiberius.—Of Maurice.—State of Italy under the Lombards and the Exarchs.—Of Ravenna.—Distress of Rome.—Character and Pontificate of Gregory the First.

A.D.	PAGE
565 Death of Justinian.....	131
565—574. Reign of Justin II. or the Younger	132
566 His Consulship	ib.
Embassy of the Avars	133
Alboin, King of the Lombards—his Valour, Love, and Revenge	134
The Lombards and Avars destroy the King and King- dom of the Gepidæ	136

A.D.	PAGE
567 Alboin undertakes the Conquest of Italy	134
Disaffection and Death of Narses.....	139
568—570. Conquest of a great Part of Italy by the Lombards	141
573 Alboin is murdered by his Wife Rosamond	143
Her Flight and Death	144
Clepho King of the Lombards.....	145
Weakness of the Emperor Justin.....	ib.
574 Association of Tiberius	147
578 Death of Justin II.....	148
578—582. Reign of Tiberius II.....	ib.
His Virtues.....	149
582—602. The Reign of Maurice	150
Distress of Italy.....	151
584—590. Autharis, King of the Lombards.....	153
The Exarchate of Ravenna	154
The Kingdom of the Lombards	156
Language and Manners of the Lombards	ib.
Dress and Marriage	159
Government	161
643 Laws	ib.
Misery of Rome.....	163
The Tombs and Relics of the Apostles	165
Birth and Profession of Gregory the Roman	ib.
590—604. Pontificate of Gregory the Great, or First	167
His spiritual Office	168
And temporal Government	169
His Estates	170
And Alms	ib.
The Saviour of Rome	171

CHAP. XLVI.

Revolutions of Persia after the Death of Chosroes or Nushirvan.—His Son, Hormouz, a Tyrant, is deposed.—Usurpation of Bahram.—Flight and Restoration of Chosroes II.—His Gratitude to the Romans.—The Chagan of the Avars.—Revolt of the Army against Maurice.—His Death.—Tyranny of Phocas.—Elevation of Heraclius.—The Persian War.—Chosroes subdues Syria, Egypt, and Asia Minor.—Siege of Constantinople by the Persians and Avars.—Persian Expeditions.—Victories and Triumph of Heraclius.

A.D.	PAGE
Contest of Rome and Persia	172
570 Conquest of Yemen by Nushirvan	173
572 His last War with the Romans.....	174
579 His Death	175

CONTENTS.

vii

A.D.	PAGE
579—590. Tyranny and Vices of his Son Hormouz.....	176
590 Exploits of Bahram	178
His Rebellion	180
Hormouz is deposed and imprisoned	ib.
Elevation of his Son Chosroes	181
Death of Hormouz	182
Chosroes flies to the Romans	183
His Return and final Victory	184
Death of Bahram	185
591—603. Restoration and Policy of Chosroes	ib.
570—600. Pride, Policy, and Power of the Chagan of the Avars	187
595—602. Wars of Maurice against the Avars.....	191
State of the Roman Armies	193
Their Discontent	194
And Rebellion	195
602 Election of Phocas	196
Revolt of Constantinople	ib.
Death of Maurice and his Children.....	198
602—610. Phocas Emperor	ib.
His Character	199
And Tyranny	200
610 His Fall and Death	202
610—642. Reign of Heraclius.....	203
603 Chosroes invades the Roman Empire	204
611 His Conquest of Syria	205
614 Of Palestine	ib.
616 Of Egypt	206
Of Asia Minor	ib.
His Reign and Magnificence.....	207
610—622. Distress of Heraclius	210
He solicits Peace	211
621 His Preparations for War	212
622 First Expedition of Heraclius against the Persians	214
623, 624, 625. His second Expedition	216
626 Deliverance of Constantinople from the Persians and Avars	223
Alliances and Conquests of Heraclius.....	ib.
627 His third Expedition	224
And Victories.....	225
Flight of Chosroes.....	226
628 He is deposed	227
And murdered by his Son Siroes	228
Treaty of Peace between the two Empires.....	229

CHAP. XLVII.

Theological History of the Doctrine of the Incarnation.—The Human and Divine Nature of Christ.—Enmity of the Patriarchs of Alexandria and Constantinople.—St. Cyril and Nestorius.—Third General Council of Ephesus.—Heresy of Eutyches.—Fourth General Council of Chalcedon.—Civil and Ecclesiastical Discord.—Intolerance of Justinian.—The Three Chapters.—The Monothelite Controversy.—State of the Oriental Sects.—I. The Nestorians.—II. The Jacobites.—III. The Maronites.—IV. The Armenians.—V. The Copts.—VI. The Abyssinians.

A.D.	PAGE
The Incarnation of Christ.....	232
I. A pure Man to the Ebonites	233
His Birth and Elevation.....	ib.
II. A pure God to the Docetes.....	236
His incorruptible Body	238
III. Double Nature of Cerinthus.....	239
IV. Divine Incarnation of Apollinaris	240
V. Orthodox Consent and verbal Disputes	243
412—444. Cyril, Patriarch of Alexandria.....	244
415, 414, 415. His Tyranny	245
423 Nestorius, Patriarch of Constantinople	248
429—431. His Heresy	249
431 First Council of Ephesus	252
Condemnation of Nestorius	254
Opposition of the Orientals	ib.
431—435. Victory of Cyril.....	256
435 Exile of Nestorius.....	258
448 Heresy of Eutyches	260
449 Second Council of Ephesus	ib.
451 Council of Chalcedon	263
Faith of Chalcedon	265
451—482. Discord of the East	267
482 The Henoticon of Zeno	268
508—518. The Trisagion, and religious War, till the Death of Anastasius	270
514 First religious War.....	272
519—565. Theological Character and Government of Jus- tinian	ib.
His Persecution of Heretics	274
Of Pagans	275
Of Jews	276
Of Samaritans	ib.
His Orthodoxy	277
532—698 The Three Chapters.....	278

CONTENTS.

ix

A.D.	PAGE
553 Vth general Council: Ild of Constantinople	279
564 Heresy of Justinian	280
620 The Monothelite Controversy	281
639 The Ecthesis of Heraclius	282
648 The Type of Constans	ib.
680, 681. Vith general Council: Ild of Constantinople....	283
Union of the Greek and Latin Churches.....	284
Perpetual Separation of the Oriental Sects	286
I. THE NESTORIANS	287
500 Sole Masters of Persia	289
500—1200. Their Missions in Tartary, India, China, &c..	290
883 The Christians of St. Thomas in India	292
II. THE JACOBITES	295
III. THE MARONITES	298
IV. THE ARMENIANS	300
V. THE COPTS OR EGYPTIANS.....	302
537—568. The Patriarch Theodosius	ib.
538 Paul	303
551 Apollinaris	ib.
580 Eulogius	304
609 John.....	ib.
Their Separation and Decay	305
625—661. Benjamin, the Jacobite Patriarch	306
VI. THE ABYSSINIANS AND NUBIANS	ib.
530 Church of Abyssinia.....	308
1525—1550. The Portuguese in Abyssinia.....	309
1557 Mission of the Jesuits	310
1626 Conversion of the Emperor.....	311
1632 Final Expulsion of the Jesuits	ib.

CHAP. XLVIII.

Plan of the remaining Part of the Work.—Succession and Characters of the Greek Emperors of Constantinople, from the Time of Heraclius to the Latin Conquest.

A.D.	PAGE
Defects of the Byzantine History.....	313
Its Connection with the Revolutions of the World.....	315
Plan of the remaining Part of the Work	316
Second Marriage and Death of Heraclius	318
641 Constantine III.	319
Heracleonas.....	320
Punishment of Martina and Heracleonas.....	ib.
Constans II.	321
668 Constantine IV. Pogonatus	322
685 Justinian II.	323
695—705. His Exile.....	326
705—711. His Restoration and Death.....	ib.
711 Philippicus	328
713 Anastasius II.	ib.

A.D.	PAGE
716 Theodosius III.	323
718 Leo III. the Isaurian.....	329
741 Constantine V. Copronymus	330
775 Leo IV.	332
780 Constantine VI. and Irene.....	333
792 Irene	335
802 Nicephorus I.....	336
811 Stauracius	ib.
Michael I. Rhangabe.....	ib.
813 Leo V. the Armenian	337
820 Michael II. the Stammerer.....	339
829 Theophilus	340
842 Michael III.	343
867 Basil I. the Macedonian.....	345
886 Leo VI. the Philosopher	350
911 Alexander, Constantine VII, Porphyrogenitus	351
919 Romanus I. Lecapenus	352
Christopher, Stephen, Constantine VIII.	ib.
945 Constantine VII.....	353
959 Romanus II. junior	354
963 Nicephorus II. Phocas	355
969 John Zimisces, Basil II. Constantine IX.	356
976 Basil II. and Constantine IX.	358
1025 Constantine IX.	359
1028 Romanus III. Argyrus	360
1034 Michael IV. the Paphlagonian	ib.
1041 Michael V. Calaphates.....	361
1042 Zoe and Theodora	ib.
Constantine X. Monomachus.....	ib.
1054 Theodora	362
1056 Michael VI. Stratioticus.....	ib.
1057 Isaac I. Comnenus	ib.
1059 Constantine XI. Ducas	364
1067 Eudocia	ib.
Romanus III. Diogenes	365
1071 Michael VII. Parapinaces, Andronicus I. Constantine XII.....	ib.
1078 Nicephorus III. Botaniates.....	366
1081 Alexius I. Comnenus	368
1118 John, or Calo-Johannes	371
1143 Manuel	372
1180 Alexius II.	375
Character and first Adventures of Andronicus	ib.
1183 Andronicus I. Comnenus	383
1185 Isaac II. Angelus.....	386

THE
HISTORY
OF THE
DECLINE AND FALL
OF THE
ROMAN EMPIRE.

CHAP. XLIII.

Rebellions of Africa.—Restoration of the Gothic Kingdom by Totila.—Loss and Recovery of Rome.—Final Conquest of Italy by Narses.—Extinction of the Ostrogoths.—Defeat of the Franks and Alemanni.—Last Victory, Disgrace, and Death of Belisarius.—Death and Character of Justinian.—Comet, Earthquakes, and Plague.

THE review of the nations from the Danube to the Nile has exposed on every side the weakness of the Romans; and our wonder is reasonably excited that they should presume to enlarge an empire, whose ancient limits they were incapable of defending. But the wars, the conquests, and the triumphs of Justinian, are the feeble and pernicious efforts of old age, which exhaust the remains of strength, and accelerate the decay of the powers of life. He exulted in the glorious act of restoring Africa and Italy to the republic; but the calamities which followed the departure of Belisarius betrayed the impotence of the conqueror, and accomplished the ruin of those unfortunate countries.

From his new acquisitions, Justinian expected that his avarice, as well as pride, should be richly gratified. A rapacious minister of the finances closely pursued the footsteps of Belisarius; and as the old registers of tribute had been burnt by the Vandals, he indulged his fancy in a liberal

HISTORY OF THE DECLINE AND FALL

calculation and arbitrary assessment of the wealth of Africa*. The increase of taxes, which were drawn away by a distant sovereign, and a general resumption of the patrimony or crown lands, soon dispelled the intoxication of the public joy; but the emperor was insensible to the modest complaints of the people, till he was awakened and alarmed by the clamours of military discontent. Many of the Roman soldiers had married the widows and daughters of the Vandals. As their own, by the double right of conquest and inheritance, they claimed the estates which Genseric had assigned to his victorious troops. They heard with disdain the cold and selfish representations of their officers, that the liberality of Justinian had raised them from a savage or servile condition; that they were already enriched by the spoils of Africa, the treasure, the slaves, and the moveables, of the vanquished Barbarians; and that the ancient and lawful patrimony of the emperors would be applied only to the support of that government on which their own safety and reward must ultimately depend. The mutiny was secretly inflamed by a thousand soldiers, for the most part Heruli, who had imbibed the doctrines, and were instigated by the clergy, of the Arian sect; and the cause of perjury and rebellion was sanctified by the dispensing powers of fanaticism. The Arians deplored the ruin of their church, triumphant above a century in Africa; and they were justly provoked by the laws of the conqueror, which interdicted the baptism of their children, and the exercise of all religious worship. Of the Vandals chosen by Belisarius, the far greater part, in the honours of the Eastern service, forgot their country and religion. But a generous band of four hundred obliged the mariners, when they were in sight of the isle of Lesbos, to alter their course: they touched on Peloponnesus, ran ashore on a desert coast of Africa, and

* For the troubles of Africa, I neither have nor desire another guide than Procopius, whose eye contemplated the image, and whose ear collected the reports, of the memorable events of his own times. In the second book of the Vandalic war he relates the revolt of Stotzas (c. 14—16), the return of Belisarius (c. 15), the victory of Germanus (c. 16, 17, 18), the second administration of Solomon (c. 19, 20, 21), the government of Sergius (c. 22, 23), of Arcobindus (c. 24), the tyranny and death of Gontharis (c. 25, 26, 27, 28); nor can I discern any symptoms of flattery or malignance in his various portraits.

boldly erected, on mount Aurasius, the standard of independence and revolt. While the troops of the province disclaimed the command of their superiors, a conspiracy was formed at Carthage against the life of Solomon; who filled with honour the place of Belisarius; and the Arians had piously resolved to sacrifice the tyrant at the foot of the altar, during the awful mysteries of the festival of Easter. Fear or remorse restrained the daggers of the assassins, but the patience of Solomon emboldened their discontent; and at the end of ten days, a furious sedition was kindled in the Circus, which desolated Africa above ten years. The pillage of the city, and the indiscriminate slaughter of its inhabitants, were suspended only by darkness, sleep, and intoxication: the governor, with seven companions, among whom was the historian Procopius, escaped to Sicily: two thirds of the army were involved in the guilt of treason; and eight thousand insurgents, assembling in the field of Bulla, elected Stozza for their chief, a private soldier, who possessed in a superior degree the virtues of a rebel. Under the mask of freedom, his eloquence could lead, or at least impel, the passions of his equals. He raised himself to a level with Belisarius, and the nephew of the emperor, by daring to encounter them in the field; and the victorious generals were compelled to acknowledge, that Stozza deserved a purer cause and a more legitimate command. Vanquished in battle, he dexterously employed the arts of negotiation; a Roman army was seduced from their allegiance, and the chiefs who had trusted to his faithless promise were murdered by his order in a church of Numidia. When every resource, either of force or perfidy, was exhausted, Stozza, with some desperate Vandals, retired to the wilds of Mauritania, obtained the daughter of a Barbarian prince, and eluded the pursuit of his enemies, by the report of his death. The personal weight of Belisarius, the rank, the spirit, and the temper, of Germanus, the emperor's nephew, and the vigour and success of the second administration of the eunuch Solomon, restored the modesty of the camp, and maintained for a while the tranquillity of Africa. But the vices of the Byzantine court were felt in that distant province; the troops complained that they were neither paid nor relieved, and as soon as the public disorders were sufficiently mature, Stozza was again

live, in arms, and at the gates of Carthage. He fell in a single combat, but he smiled in the agonies of death, when he was informed that his own javelin had reached the heart of his antagonist. The example of Stioza, and the assurance that a fortunate soldier had been the first king, encouraged the ambition of Gontharis, and he promised, by a private treaty, to divide Africa with the Moors, if, with their dangerous aid, he should ascend the throne of Carthage. The feeble Arcobindus, unskilled in the affairs of peace and war, was raised by his marriage with the niece of Justinian, to the office of Exarch. He was suddenly oppressed by a sedition of the guards, and his abject supplications, which provoked the contempt, could not move the pity, of the inexorable tyrant. After a reign of thirty days, Gontharis himself was stabbed at a banquet by the hand of Artaban; and it is singular enough, that an Armenian prince, of the royal family of Arsaces, should re-establish at Carthage the authority of the Roman empire. In the conspiracy which unsheathed the dagger of Brutus against the life of Cæsar, every circumstance is curious and important to the eyes of posterity: but the guilt or merit of these loyal or rebellious assassins could interest only the contemporaries of Procopius, who, by their hopes and fears, their friendship or resentment, were personally engaged in the revolutions of Africa*.

That country was rapidly sinking into the state of barbarism, from whence it had been raised by the Phœnician colonies and Roman laws: and every step of intestine discord was marked by some deplorable victory of savage man over civilized society. The Moors†, though ignorant of justice, were impatient of oppression: their vagrant life and boundless wilderness disappointed the arms, and eluded the chains, of a conqueror; and experience had shewn, that neither oaths nor obligations could secure the fidelity of their

* Yet I must not refuse him the merit of painting, in lively colours, the murder of Gontharis. One of the assassins uttered a sentiment not unworthy of a Roman Patriot: "If I fail," said Artasires, "in the first stroke, kill me on the spot, lest the sack should extort a discovery of my accomplices."

† The Moorish wars are occasionally introduced into the narrative of Procopius (Vandal. l. ii. c. 19—23. 25. 27, 28. Gothic. l. iv. c. 17.); and Theophanes adds some prosperous and adverse events in the last years of Justinian.

attachment. The victory of mount Auras had awed them into momentary submission; but if they respected the character of Solomon, they hated and despised the pride and luxury of his two nephews, Cyrus and Sergius, on whom their uncle had imprudently bestowed the provincial governments of Tripoli and Pentapolis. A Moorish tribe encamped under the walls of Leptis, to renew their alliance, and receive from the governor the customary gifts. Fourscore of their deputies were introduced as friends into the city; but on the dark suspicion of a conspiracy, they were massacred at the table of Sergius; and the clamour of arms and revenge was re-echoed through the vallies of mount Atlas, from both the Syrtes to the Atlantic ocean. A personal injury, the unjust execution or murder of his brother, rendered Antalus the enemy of the Romans. The defeat of the Vandals had formerly signalized his valour; the rudiments of justice and prudence were still more conspicuous in a Moor; and while he laid Adrumetum in ashes, he calmly admonished the emperor that the peace of Africa might be secured by the recal Solomon and his unworthy nephews. The exarch led forth his troops from Carthage: but, at the distance of six days' journey in the neighbourhood of Tebeste*, he was astonished by the superior numbers and fierce aspect of the Barbarians. He proposed a treaty; solicited a reconciliation; and offered to bind himself by the most solemn oaths. "By what oaths can he bind himself?" interrupted the indignant Moors. "Will he swear by the gospels, the divine books of the Christians? It was on those books that the faith of his nephew Sergius was pledged to eighty of our innocent and unfortunate brethren. Before we trust them a second time, let us try their efficacy in the chastisement of perjury and the vindication of their own honour." Their honour was vindicated in the field of Tebeste, by the death of Solomon, and the total loss of his army. The

* Now Tibesh, in the kingdom of Algiers. It is watered by a river, the Sujerass, which falls into the Mejerda (*Bagradas*). Tibesh is still remarkable for its walls of large stones (like the Coliseum of Rome), a fountain and a grove of walnut-trees: the country is fruitful, and the neighbouring Beraberos are warlike. It appears from an inscription, that under the reign of Adrian, the road from Carthage to Tebeste was constructed by the third legion; (*Marmel. Description de l'Afrique*, tom. ii. p. 448, 443. *Shaw's Travels*, p. 64, 65, 66.).

arrival of fresh troops and more skilful commanders, soon checked the insolence of the Moors; seventeen of their princes were slain in the same battle; and the doubtful and transient submission of their tribes was celebrated with lavish applause by the people of Constantinople. Successive inroads had reduced the province of Africa to one third of the measure of Italy; yet the Roman Emperors continued to reign above a century over Carthage, and the fruitful coast of the Mediterranean. But the victories and the losses of Justinian were alike pernicious to mankind; and such was the desolation of Africa, that in many parts a stranger might wander whole days without meeting the face either of a friend or an enemy. The nation of the Vandals had disappeared: they once amounted to an hundred and sixty thousand warriors, without including the children, the women, or the slaves. Their numbers were infinitely surpassed by the number of the Moorish families extirpated in a relentless war; and the same destruction was retaliated on the Romans and their allies, who perished by the climate, their mutual quarrels, and the rage of the Barbarians. When Procopius first landed, he admired the populousness of the cities and country, strenuously exercised in the labours of commerce and agriculture. In less than twenty years, that busy scene was converted into a silent solitude; the wealthy citizens escaped to Sicily and Constantinople; and the secret historian has confidently affirmed, that five millions of Africans were consumed by the wars and government of the emperor Justinian*.

The jealousy of the Byzantine court had not permitted Belisarius to achieve the conquest of Italy: and his abrupt departure revived the courage of the Goths†, who respected his genius, his virtue, and even the laudable motive which had urged the servant of Justinian to deceive and reject them. They had lost their king (an inconsiderable loss), their capi-

* Procopius, *Anecd.* c. 18. The series of the African history attests this melancholy truth.

† In the second (c. 30.) and third books (c. 1—40.), Procopius continues the history of the Gothic war from the fifth to the fifteenth year of Justinian. As the events are less interesting than in the former period, he fills only half the space to double the time. Jornandes, and the *Chronicle of Marcellinus*, afford some collateral hints. Sigonius, Pagi, Muratori, Marsou, and De Buat, are useful, and have been used.

tal, their treasures, the provinces from Sicily to the Alps, and the military force of two hundred thousand Barbarians, magnificently equipped with horses and arms. Yet all was not lost, as long as Pavia was defended by one thousand Goths; inspired by a sense of honour, the love of freedom, and the memory of their past greatness. The supreme command was unanimously offered to the brave Uraias; and it was in his eyes alone that the disgrace of his uncle Vitiges could appear as a reason of exclusion. His voice inclined the election in favour of Hildibald, whose personal merit was recommended by the vain hope that his kinsman Theudes, the Spanish monarch, would support the common interest of the Gothic nation. The success of his arms in Liguria and Venetia seemed to justify their choice; but he soon declared to the world, that he was incapable of forgiving or commanding his benefactor. The consort of Hildibald was deeply wounded by the beauty, the riches, and the pride of the wife of Uraias; and the death of that virtuous patriot excited the indignation of a free people. A bold assassin executed their sentence, by striking off the head of Hildibald in the midst of a banquet: the Rugians, a foreign tribe, assumed the privilege of election; and Totila, the nephew of the late king, was tempted, by revenge, to deliver himself and the garrison of Treviso into the hands of the Romans. But the gallant and accomplished youth was easily persuaded to prefer the Gothic throne before the service of Justinian; and as soon as the palace of Pavia had been purified from the Rugian usurper, he reviewed the national force of five thousand soldiers, and generously undertook the restoration of the kingdom of Italy.

The successors of Belisarius, eleven generals of equal rank, neglected to crush the feeble and disunited Goths, till they were roused to action by the progress of Totila and the reproaches of Justinian. The gates of Verona were secretly opened to Artabazus, at the head of one hundred Persians in the service of the empire. The Goths fled from the city. At the distance of sixty furlongs the Roman generals halted to regulate the division of the spoil. While they disputed, the enemy discovered the real number of the victors; the Persians were instantly overpowered, and it was by leaping from the wall that Artabazus preserved a life which he lost

in a few days by the lance of a Barbarian, who had defied him to single combat. Twenty thousand Romans encountered the forces of Totila, near Faenza, and on the hills of Mugello, of the Florentine territory. The ardour of freedmen, who fought to regain their country, was opposed to the languid temper of mercenary troops, who were even destitute of the merits of strong and well-disciplined servitude. On the first attack they abandoned their ensigns, threw down their arms, and dispersed on all sides with an active speed, which abated the loss, whilst it aggravated the shame, of their defeat. The king of the Goths who blushed for the baseness of his enemies, pursued with rapid steps the path of honour and victory. Totila passed the Po, traversed the Appenine, suspended the important conquest of Ravenna, Florence, and Rome, and marched through the heart of Italy, to form the siege, or rather blockade, of Naples. The Roman chiefs, imprisoned in their respective cities, and accusing each other of the common disgrace, did not presume to disturb his enterprise. But the emperor, alarmed by the distress and danger of his Italian conquests, dispatched to the relief of Naples a fleet of galleys and a body of Thracian and Armenian soldiers. They landed in Sicily, which yielded its copious stores of provisions; but the delays of the new commander, an unwarlike magistrate, protracted the sufferings of the besieged; and the succours, which he dropt with a timid and tardy hand, were successively intercepted by the armed vessels stationed by Totila in the bay of Naples. The principal officer of the Romans was dragged, with a rope round his neck, to the foot of the wall, from whence, with a trembling voice, he exhorted the citizens to implore, like himself, the mercy of the conqueror. They requested a truce, with a promise of surrendering the city, if no effectual relief should appear at the end of thirty days. Instead of one month, the audacious Barbarian granted them three, in the just confidence that famine would anticipate the terror of their capitulation. After the reduction of Naples and Cumæ, the provinces of Lucania, Apulia, and Calabria, submitted to the king of the Goths. Totila led his army to the gates of Rome, pitched his camp at Tibur, or Tivoli, within twenty miles of the capital, and calmly extorted the

senate and people to compare the tyranny of the Greeks with the blessings of the Gothic reign.

The rapid success of Totila may be partly ascribed to the revolution which three years' experience had produced in the sentiments of the Italians. At the command, or at least in the name, of a Catholic emperor, the pope*, their spiritual father, had been torn from the Roman church, and either starved or murdered on a desolate island†. The virtues of Belisarius were replaced by the various or uniform vices of eleven chiefs, at Rome, Ravenna, Florence, Perugia, Spoleto, &c. who abused their authority for the indulgence of lust or avarice. The improvement of the revenue was committed to Alexander, a subtle scribe, long practised in the fraud and oppression of the Byzantine schools; and whose name of *Psallition*, the *scissors*‡, was drawn from the dextrous artifice with which he reduced the size, without defacing the figure, of the gold coin. Instead of expecting the restoration of peace and industry, he imposed an heavy assessment on the fortunes of the Italians. Yet his present or future demands were less odious than a prosecution of arbitrary rigour against the persons and property of all those, who, under the Gothic kings, had been concerned in the receipt and expenditure of the public money. The subjects of Justinian, who escaped these partial vexations, were oppressed by the irregular maintenance of the soldiers, whom Alexander defrauded and despised; and their hasty sallies in quest of wealth, or subsistence, provoked the inhabitants of the country to await or implore their deliverance from the virtues of a Barbarian. Totila§ was chaste and

* Sylvester, bishop of Rome, was first transported to Patara, in Lycia, and at length starved (*sub eorum custodia inedia confectus*) in the isle of Palmaria, A. D. 538, June 20 (*Liberat. in Breviar. c. 22. Anastasius, in Sylvio. Baronius, A. D. 540. No. 2, 3. Pag. in Vit. Pont. tom. i. p. 285, 286.*) Procopius (*Anecdotes. c. 1.*) accuses only the empress and Antonina.

† Palmaria, a small island, opposite to Tarracina and the coast of the Volsci (*Cluver. Ital. Antiq. l. iii. c. 7. p. 1014.*).

‡ As the Logothete Alexander, and most of his civil and military colleagues, were either disgraced or despised, the ink of the *Anecdotes* (c. 4, 5, 18.) is scarcely blanner than that of the Gothic History (l. iii. c. 1, 3, 4, 9, 20, 21, &c.).

§ Procopius (l. iii. c. 2, 3, &c.) does ample and willing justice to the merit of Totila. The Roman historians, from Sallust and Tacitus, were happy to forget the vices of their countrymen in the contemplation of Gothic virtue.

temperate; and none were deceived, either friends or enemies, who depended on his faith or his clemency. To the husbandmen of Italy the Gothic king issued a welcome proclamation, enjoining them to pursue their important labours, and to rest assured, that, on the payment of the ordinary taxes, they should be defended by his valour and discipline from the injuries of war. The strong towns he successively attacked; and as soon as they had yielded to his arms, he demolished the fortifications; to save the people from the calamities of a future siege, to deprive the Romans of the arts of defence, and to decide the tedious quarrel of the two nations, by an equal and honourable conflict in the field of battle. The Roman captives and deserters were tempted to enlist in the service of a liberal and courteous adversary; the slaves were attracted by the firm and faithful promise, that they should never be delivered to their masters; and from the thousand warriors of Pavia, a new people, under the same appellation of Goths, was insensibly formed in the camp of Totila. He sincerely accomplished the articles of capitulation, without seeking or accepting any sinister advantage from ambiguous expressions or unforeseen events: the garrison of Naples had stipulated, that they should be transported by sea; the obstinacy of the winds prevented their voyage, but they were generously supplied with horses, provisions, and a safe-conduct to the gates of Rome. The wives of the senators, who had been surprised in the villas of Campania, were restored, without a ransom, to their husbands: the violation of female chastity was inexorably chastised with death; and, in the salutary regulation of the diet of the famished Neapolitans, the conqueror assumed the office of an humane and attentive physician. The virtues of Totila are equally laudable, whether they proceeded from true policy, religious principle, or the instinct of humanity: he often harangued his troops; and it was his constant theme, that national vice and ruin are inseparably connected; that victory is the fruit of moral as well as military virtue; and that the prince, and even the people, are responsible for the crimes which they neglect to punish.

The return of Belisarius to save the country which he had subdued, was passed with equal vehemence by his friends and enemies; and the Gothic war was imposed as a task or

an exile on the veteran commander. An hero on the banks of the Euphrates, a slave in the palace of Constantinople, he accepted, with reluctance, the painful task of supporting his own reputation, and retrieving the faults of his successors. The sea was open to the Romans: the ships and soldiers were assembled at Salona, near the palace of Diocletian: he refreshed and reviewed his troops at Pola, in Istria, coasted round the head of the Adriatic, entered the port of Ravenna, and dispatched orders rather than supplies to the subordinate cities. His first public oration was addressed to the Goths and Romans, in the name of the emperor, who had suspended for a while the conquest of Persia, and listened to the prayers of his Italian subjects. He gently touched on the causes and the authors of the recent disasters; striving to remove the fear of punishment for the past, and the hope of impunity for the future, and labouring, with more zeal than success, to unite all the members of his government in a firm league of affection and obedience. Justinian, his gracious master, was inclined to pardon and reward; and it was their interest, as well as duty, to reclaim their deluded brethren, who had been seduced by the arts of the usurper. Not a man was tempted to desert the standard of the Gothic king. Belisarius soon discovered, that he was sent to remain the idle and impotent spectator of the glory of a young Barbarian; and his own epistle exhibits a genuine and lively picture of the distress of a noble mind. "Most excellent prince, we are arrived in Italy, destitute of all the necessary implements of war, men, horses, arms, and money. In our late circuit through the villages of Thrace and Illyricum, we have collected, with extreme difficulty, about four thousand recruits, naked, and unskilled in the use of weapons and the exercises of the camp. The soldiers already stationed in the province are discontented, fearful, and dismayed; at the sound of an enemy, they dismiss their horses, and cast their arms on the ground. No taxes can be raised, since Italy is in the hands of the Barbarians; the failure of payment has deprived us of the right of command, or even of admonition. Be assured, dread sir, that the greater part of your troops have already deserted to the Goths. If the war could be achieved by the presence of Belisarius alone, your wishes are satisfied; Belisarius is in the midst

“ of Italy. But if you desire to conquer, far other prepara-
 “ tions are requisite: without a military force, the title of
 “ general is an empty name. It would be expedient to
 “ restore to my service my own veterans and domestic
 “ guards. Before I can take the field, I must receive an
 “ adequate supply of light and heavy armed troops; and it
 “ is only with ready money that you can procure the indis-
 “ pensable aid of a powerful body of the cavalry of the
 “ Huns*.” An officer in whom Belisarius confided was sent
 from Ravenna to hasten and conduct the succours; but the
 message was neglected, and the messenger was detained at
 Constantinople by an advantageous marriage. After his pa-
 tience had been exhausted by delay and disappointment, the
 Roman general repassed the Hadriatic, and expected at Dyr-
 rachium the arrival of the troops, which were slowly assem-
 bled among the subjects and allies of the empire. His pow-
 ers were still inadequate to the deliverance of Rome, which
 was closely besieged by the Gothic king. The Appian way,
 a march of forty days, was covered by the Barbarians; and
 as the prudence of Belisarius declined a battle, he preferred
 the safe and speedy navigation of five days from the coast of
 Epirus to the mouth of the Tyber.

After reducing, by force or treaty, the towns of inferior
 note in the midland provinces of Italy, Totila proceeded, not
 “ to assault, but to encompass and starve, the ancient capital.
 Rome was afflicted by the avarice, and guarded by the valour,
 of Bessas, a veteran chief of Gothic extraction, who filled,
 with a garrison of three thousand soldiers, the spacious circle
 of her venerable walls. From the distress of the people he
 extracted a profitable trade, and secretly rejoiced in the con-
 tinuance of the siege. It was for his use that the granaries
 had been replenished; the charity of Pope Vigilius had pur-
 chased and embarked an ample supply of Sicilian corn; but
 the vessels which escaped the Barbarians were siezed by a rapa-
 cious governor, who imparted a scanty sustenance to the sol-
 diers, and sold the remainder to the wealthy Romans. The
 medimnus, or fifth part of the quarter of wheat, was exchan-
 ged for seven pieces of gold; fifty pieces were given for an

* Protadius, l. iii. c. 12. The soul of an hero is deeply impressed on the
 letter; nor can we confound such genuine and original acts with the elabo-
 rate and often empty speeches of the Byzantine historians.

ox, a rare and accidental prize; the progress of famine enhanced this exorbitant value, and the mercenaries were tempted to deprive themselves of the allowance which was scarcely sufficient for the support of life. A tasteless and unwholesome mixture, in which the bran thrice exceeded the quantity of flour, appeased the hunger of the poor: they were gradually reduced to feed on dead horses, dogs, cats, and mice, and eagerly to snatch the grass, and even the nettles which grew among the ruins of the city. A crowd of spectres, pale and emaciated, their bodies oppressed with disease, and their minds with despair, surrounded the palace of the governor, urged, with unavailing truth, that it was the duty of a master to maintain his slaves, and humbly requested, that he would provide for their subsistence, permit their flight, or command their immediate execution. Bessas replied, with unfeeling tranquillity, that it was impossible to feed, unsafe to dismiss, and unlawful to kill, the subjects of the emperor. Yet the example of a private citizen might have shewn his countrymen that a tyrant cannot withhold the privilege of death. Pierced by the cries of five children, who vainly called on their father for bread, he ordered them to follow his steps, advanced with calm and silent despair to one of the bridges of the Tyber, and, covering his face, threw himself headlong into the stream, in the presence of his family and the Roman people. To the rich and pusillanimous, Bessas * sold the permission of departure; but the greatest part of the fugitives expired on the public highways, or were intercepted by the flying parties of Barbarians. In the meanwhile, the artful governor soothed the discontent, and revived the hopes, of the Romans, by the vague reports of the fleets and armies which were hastening to their relief from the extremities of the East. They derived more rational comfort from the assurance that Belisarius had landed at the port; and, without numbering his forces, they firmly relied on the humanity, the courage, and the skill of their great deliverer.

* The avarice of Bessas is not dissembled by Procopius (l. iii. c. 17. 20.). He expiated the loss of Rome by the glorious conquest of Petra (Goth. l. iv. c. 12.); but the same vices followed him from the Tyber to the Phasis (c. 13.); and the historian is equally true to the merits and defects of his character. The chastisement which the author of the romance of *Belshazzar* has inflicted on the oppressor of Rome is more agreeable to justice than to history.

The foresight of Totila had raised obstacles worthy of such an antagonist. Ninety furlongs below the city, in the narrowest part of the river, he joined the two banks by strong and solid timbers in the form of a bridge; on which he erected two lofty towers, manned by the bravest of his Goths, and profusely stored with missile weapons and engines of offence. The approach of the bridge and towers was covered by a strong and massy chain of iron; and the chain at either end, on the opposite sides of the Tyber, was defended by a numerous and chosen detachment of archers. But the enterprise of forcing these barriers, and relieving the capital, displays a shining example of the boldness and conduct of Belisarius. His cavalry advanced from the port along the public road, to awe the motions, and distract the attention of the enemy. His infantry and provisions were distributed in two hundred large boats; and each boat was shielded by an high rampart of thick planks, pierced with many small holes for the discharge of missile weapons. In the front, two large vessels were linked together to sustain a floating castle, which commanded the towers of the bridge, and contained a magazine of fire, sulphur and bitumen. The whole fleet, which the general led in person, was laboriously moved against the current of the river. The chain yielded to their weight, and the enemies who guarded the banks were either slain or scattered. As soon as they touched the principal barrier, the fire ship was instantly grappled to the bridge; one of the towers with two hundred Goths, was consumed by the flames; the assailants shouted victory; and Rome was saved, if the wisdom of Belisarius had not been defeated by the misconduct of his officers. He had previously sent orders to Bessas to second his operations by a timely sally from the town; and he had fixed his lieutenant, Isaac, by a peremptory command, to the station of the port. But avarice rendered Bessas immovable; while the youthful ardour of Isaac delivered him into the hands of a superior enemy. The exaggerated rumour of his defeat was hastily carried to the ears of Belisarius: he paused; betrayed in that single moment of his life some emotions of surprise and perplexity; and reluctantly sounded a retreat to save his wife Antonina, his treasures, and the only harbour which he possessed on the Tuscan coast. The vexation of his mind produced an ardent and almost mortal fever; and Rome was left

without protection to the mercy or indignation of Totila. The continuance of hostilities had embittered the national hatred, the Arian clergy was ignominiously driven from Rome; Pelagius, the archdeacon, returned without success from an embassy to the Gothic camp: and a Sicilian bishop, the envoy or nuncio of the pope, was deprived of both his hands, for daring to utter falsehoods in the service of the church and state.

Famine had relaxed the strength and discipline of the garrison of Rome. They could derive no effectual service from a dying people; and the inhuman avarice of the merchant at length absorbed the vigilance of the governor. Four Isaurian centinels, while their companions slept, and their officers were absent, descended by a rope from the wall, and secretly proposed to the Gothic king to introduce his troops into the city. The offer was entertained with coldness and suspicion; they returned in safety; they twice repeated their visit; the place was twice examined; the conspiracy was known and disregarded; and no sooner had Totila consented to the attempt, than they unbarred the Asinarian gate, and gave admittance to the Goths. Till the dawn of day they halted in order of battle, apprehensive of treachery or ambush; but the troops of Bessas, with their leader, had already escaped; and when the king was pressed to disturb their retreat, he prudently replied, that no sight could be more grateful than that of a flying enemy. The patricians, who were still possessed of horses, Decius, Basilus, &c. accompanied the governor; their brethren, among whom Olybrius, Orestes, and Maximus, are named by the historian, took refuge in the church of St. Peter; but the assertion, that only five hundred persons remained in the capital, inspires some doubt of the fidelity either of his narrative or of his text. As soon as day-light had displayed the entire victory of the Goths, their monarch devoutly visited the tomb of the prince of the apostles; but while he prayed at the altar, twenty-five soldiers, and sixty citizens, were put to the sword in the vestibule of the temple. The archdeacon Pelagius *

* During the long exile, and after the death of Vigilius, the Roman church was governed, at first, by the archdeacon, and at length (A. D. 555.) by the pope Pelagius, who was not thought guiltless of the sufferings of his predecessor. See the original lives of the popes under the name of Anastasius (Muratori, Script. Rer. Italicarum, tom. iii. P. i. p. 190, 191), who

stood before him with the gospels in his hand. "O Lord, be merciful to your servant." "Pelagius," said Totila with an insulting smile, "your pride now condescends to become a suppliant." "I *am* a suppliant," replied the prudent archdeacon; "God has now made us your subjects, and as your subjects we are entitled to your clemency." At his humble prayer, the lives of the Romans were spared; and the chastity of the maids and matrons was preserved inviolate from the passions of the hungry soldiers. But they were rewarded by the freedom of pillage, after the most precious spoils had been reserved for the royal treasury. The houses of the senators were plentifully stored with gold and silver; and the avarice of Bessas had laboured with so much guilt and shame for the benefit of the conqueror. In this revolution the sons and daughters of Roman consuls tasted the misery which they had spurned or relieved, wandered in tattered garments through the streets of the city, and begged their bread, perhaps without success, before the gates of their hereditary mansions. The riches of Rusticiana, the daughter of Symmachus and widow of Boethius, had been generously devoted to alleviate the calamities of famine. But the Barbarians were exasperated by the report, that she had prompted the people to overthrow the statues of the great Theodoric; and the life of that venerable matron would have been sacrificed to his memory, if Totila had not respected her birth, her virtues, and even the pious motive of her revenge. The next day he pronounced two orations, to congratulate and admonish his victorious Goths, and to reproach the senate, as the vilest of slaves, with their perjury, folly, and ingratitude; sternly declaring, that their estates and honours were justly forfeited to the companions of his arms. Yet he consented to forgive their revolt, and the senators repaid his clemency by dispatching circular letters to their tenants and vassals in the provinces of Italy, strictly to enjoin them to desert the standard of the Greeks, to cultivate their lands in peace, and to learn from their masters the duty of obedience to a Gothic sovereign. Against the city, which had so long delayed the course of his victories, he appeared inexorable: one-third of the walls, in different parts, were demolished by his com-

relates several curious incidents of the sieges of Rome and the war of Italy.

mand; fire and engines prepared to consume or subvert the most stately works of antiquity: and the world was astonished by the fatal decree, that Rome should be changed into a pasture for cattle. The firm and temperate remonstrance of Belisarius suspended the execution; he warned the Barbarian not to sully his fame by the destruction of those monuments which were the glory of the dead, and the delight of the living; and Totila was persuaded by the advice of an enemy to preserve Rome as the ornament of his kingdom, or the fairest pledge of peace and reconciliation. When he had signified to the ambassadors of Belisarius, his intention of sparing the city, he stationed an army at the distance of one hundred and twenty furlongs, to observe the motions of the Roman general. With the remainder of his forces, he marched into Lucania and Apulia, and occupied on the summit of mount Garganus * one of the camps of Hannibal †. The senators were dragged in his train, and afterwards confined in the fortresses of Campania: the citizens, with their wives and children, were dispersed in exile; and during forty days Rome was abandoned to desolate and dreary solitude ‡.

The loss of Rome was speedily retrieved by an action, to which, according to the event, the public opinion would apply the names of rashness or heroism. After the departure of Totila, the Roman general sallied from the port at the head of a thousand horse, cut in pieces the enemy who opposed his progress, and visited with pity and reverence the vacant space of the *eternal city*. Resolved to maintain a station so conspicuous in the eyes of mankind, he summoned the greatest part of his troops to the standard which he erected on the Capitol: the old inhabitants were recalled by the love of their

* Mount Garganus, now Monte St. Angelo, in the kingdom Naples, runs three hundred stadia into the Adriatic sea (Strab. l. vi. p. 436), and in the darker ages was illustrated by the apparition, miracles, and church of St. Michael the archangel. Horace, a native of Apulia or Lucania, had seen the elms and oaks of Garganus labouring and bellowing with the north wind that blew on that lofty coast (Carmen. 9. Epist. ii. i. 101.).

† I cannot ascertain this particular camp of Hannibal; but the Punic quarters were long and often in the neighbourhood of Arpi (T. Liv. xxii. 9. 12. xxiv. 3. &c.).

‡ Totila Romam ingreditur ac everit muros domos aliquantas igni comburens, ac omnes Romanorum res in prædam accepit, nos ipsos Romanos in Campaniam captivos abduxit. Post quam devastationem, absque amplius dies, Roma fuit ita desolata, ut nemo ibi hominum, nisi (nulli?) bestiae morarentur (Marcellin. in Chron. p. 54.).

country and the hopes of food; and the keys of Rome were sent a second time to the emperor Justinian. The walls, as far as they had been demolished by the Goths, were repaired with rude and dissimilar materials; the ditch was restored; iron spikes * were profusely scattered in the highways to annoy the feet of the horses; and as new gates could not suddenly be procured, the entrance was guarded by a Spartan rampart of his bravest soldiers. At the expiration of twenty-five days, Totila returned by hasty marches from Apulia, to avenge the injury and disgrace. Belisarius expected his approach. The Goths were thrice repulsed in three general assaults; they lost the flower of their troops; the royal standard had almost fallen into the hands of the enemy, and the fame of Totila sunk, as it had risen, with the fortune of his arms. Whatever skill and courage could achieve, had been performed by the Roman general: it remained only that Justinian should terminate, by a strong and seasonable effort, the war which he had ambitiously undertaken. The indolence, perhaps the impotence, of a prince who despised his enemies, and envied his servants, protracted the calamities of Italy. After a long silence, Belisarius was commanded to leave a sufficient garrison at Rome, and to transport himself into the province of Lucania, whose inhabitants, inflamed by Catholic zeal, had cast away the yoke of their Arian conquerors. In this ignoble warfare, the hero, invincible against the power of the Barbarians, was basely vanquished by the delay, the disobedience, and the cowardice of his own officers. He reposed in his winter-quarters of Crotona, in the full assurance, that the two passes of the Lucanian hills were guarded by his cavalry. They were betrayed by treachery or weakness; and the rapid march of the Goths scarcely allowed time for the escape of Belisarius to the coast of Sicily. At length a fleet and army were assembled for the relief of Ruscianum, or Rossano †, a fortress sixty furlongs from the ruins of Sybaris,

* The *tribuli* are small engines with four spikes, one fixed in the ground, the three others erect or adverse (Procopius, Gothic. l. iii. c. 24. Just. Lipsius, *Poliorectæ*, l. v. c. 3). The metaphor was borrowed from the *tribula* (*land-caltrops*), an herb with a prickly fruit common in Italy (Martin, ad Virgil. *Georgic*. i. 153. vol. ii. p. 33.).

† Ruscin, the *navale Thuriorum*, was transferred to the distance of sixty stadia to Ruscianum, Rossano, an archbishopric without suffragans. The republic of Sybaris is now the estate of the duke of Corigliano (Riedesel, *Travels into Magna Græcia and Sicily*, p. 166—171.).

where the nobles of Lucania had taken refuge. In the first attempt, the Roman forces were dissipated by a storm. In the second they approached the shore; but they saw the hills covered with archers, the landing-place defended by a line of spears, and the king of the Goths impatient for battle. The conqueror of Italy retired with a sigh, and continued to languish, inglorious and inactive, till Antonina who had been sent to Constantinople to solicit succours, obtained, after the death of the empress, the permission of his return.

The five last campaigns of Belisarius might abate the envy of his competitors, whose eyes had been dazzled and wounded by the blaze of his former glory. Instead of delivering Italy from the Goths, he had wandered like a fugitive along the coast, without daring to march into the country, or to accept the bold and repeated challenge of Totila. Yet in the judgment of the few who could discriminate counsels from events, and compare the instruments with the execution, he appeared a more consummate master of the art of war, than in the season of his prosperity, when he presented two captive kings before the throne of Justinian. The valour of Belisarius was not chilled by age; his prudence was matured by experience, but the moral virtues of humanity and justice seem to have yielded to the hard necessity of the times. The parsimony or poverty of the Emperor compelled him to deviate from the rule of conduct which had deserved the love and confidence of the Italians. The war was maintained by the oppression of Ravenna, Sicily, and all the faithful subjects of the empire; and the rigorous prosecution of Herodian provoked that injured or guilty officer to deliver Spoleto into the hands of the enemy. The avarice of Antonina, which had been sometimes diverted by love, now reigned without a rival in her breast. Belisarius himself had always understood, that riches, in a corrupt age, are the support and ornament of personal merit. And it cannot be presumed that he should stain his honour for the public service, without applying a part of the spoil to his private emolument. The hero had escaped the sword of the Barbarians, but the dagger of conspiracy * awaited his return. In the midst of wealth and honours, Artaban, who had chas-

* This conspiracy is related by Procopius (*Gothic* l. iii. c. 31, 32.) with such freedom and candour, that the liberty of the *Anecdotes* gives him nothing to add.

tised the African tyrant, complained of the ingratitude of courts. He aspired to Præjecta, the emperor's niece, who wished to reward her deliverer; but the impediment of his previous marriage was asserted by the piety of Theodora. The pride of royal descent was irritated by flattery; and the service in which he gloried, had proved him capable of bold and sanguinary deeds. The death of Justinian was resolved, but the conspirators delayed the execution till they could surprise Belisarius disarmed, and naked, in the palace of Constantinople. Not a hope could be entertained of shaking his long-tried fidelity; and they justly dreaded the revenge or rather justice, of the veteran general, who might speedily assemble an army in Thrace to punish the assassins, and perhaps to enjoy the fruits of their crime. Delay afforded time for rash communications and honest confessions: Artaban and his accomplices were condemned by the senate, but the extreme clemency of Justinian detained them in the gentle confinement of the palace, till he pardoned their flagitious attempt against his throne and life. If the emperor forgave his enemies, he must cordially embrace a friend whose victories were alone remembered, and who was endeared to his prince by the recent circumstance of their common danger. Belisarius reposed from his toils, in the high station of general of the East and count of the domestics; and the older consuls and patricians respectfully yielded the precedence of rank to the peerless merit of the first of the Romans*. The first of the Romans still submitted to be the slave of his wife; but the servitude of habit and affection became less disgraceful when the death of Theodora had removed the baser influence of fear. Joannina their daughter, and the sole heiress of their fortunes, was betrothed to Anastasius the grandson, or rather the nephew, of the empress†, whose kind interposition for-

* The honours of Belisarius are gladly commemorated by his secretary (Procop. *Got.* l. iii. c. 35. l. iv. c. 21.). The title of *Στρατηγός* is ill translated, at least in this instance, by *præfectus prætorio*; and to a military character, *magister militum* is more proper and applicable (Ducange, *Gloss. Græc.* p. 1458, 1459.).

† Alcuinus (ad *Hist. Arcanum*, p. 68.), Ducange (*Familie Byzant.* p. 98.), and Heineccius (*Hist. Juris Civilis*, p. 431.), all three represent Anastasius as the son of the daughter of Theodora; and their opinion firmly reposes on the unambiguous testimony of Procopius (*Anecd.* c. 4, 5.—ὁ γάμος twice repeated). And yet I will remark, 1. That, in the year 517, Theodora could scarcely have a grandson of the age of puberty; 2. That we are to-



warded the consummation of their youthful loves. But the power, of Theodora expired, the parents of Joannina returned, and her honour perhaps her happiness, were sacrificed to the revenge of an unfeeling mother, who dissolved the imperfect nuptials before they had been ratified by the ceremonies of the church †.

Before the departure of Belisarius, Perugia was besieged, and few cities were impregnable to the Gothic arms. Ravenna, Ancona, and Crotona, still resisted the Barbarians; and when Totila asked in marriage one of the daughters of France, he was stung by the just reproach that the king of Italy was unworthy of his title till it was acknowledged by the Roman people. Three thousand of the bravest soldiers had been left to defend the capital. On the suspicion of a monopoly, they massacred the governor, and announced to Justinian, by a deputation of the clergy, that unless their offence was pardoned, and their arrears were satisfied, they should instantly accept the tempting offers of Totila. But the officer who succeeded to the command (his name was Diogenes) deserved their esteem and confidence; and the Goths, instead of finding an easy conquest, encountered a vigorous resistance from the soldiers and people, who patiently endured the loss of the port, and of all maritime supplies. The siege of Rome would perhaps have been raised, if the liberality of Totila to the Isaurians had not encouraged some of their venal countrymen to copy the example of treason. In a dark night, while the Gothic trumpets sounded on another side, they silently opened the gate of St. Paul: the Barbarians rushed into the city: and the flying garrison was intercepted before they could reach the harbour of Centumcellæ. A soldier, trained in the school of Belisarius, Paul of Cilicia, retired with four hundred men to the mole of Hadrian. They repelled the Goths; but they felt the approach of famine; and their aver-

tally ignorant of this daughter and her husband; and, 3. That Theodora concealed her bastards, and that her grandson by Justinian would have been heir apparent of the empire.

† The *αμαρτηματα*, or sins, of the hero, in Italy and after his return, are manifested *απαγκαλυπτος*, and most probably swelled, by the author of the Anecdotes (c. 4, 5). The designs of Antonina were favoured by the fluctuating jurisprudence of Justinian. On the law of marriage and divorce, that emperor was *trocho versatilior* (Heineccius, *Element. Juris Civil. ad Ordinem Pandect.* P. iv. No. 233.).

sion to the taste of horse-flesh confirmed their resolution to risk the event of a desperate and decisive sally. But their spirit insensibly stooped to the offers of capitulation: they retrieved their arrears of pay, and preserved their arms and horses, by enlisting in the service of Totila; their chiefs who pleaded a laudable attachment to their wives and children in the East, were dismissed with honour; and above four hundred enemies, who had taken refuge in the sanctuaries, were saved by the clemency of the victor. He no longer entertained a wish of destroying the edifices of Rome*, which he now respected as the seat of the Gothic kingdom: the senate and people were restored to their country; the means of subsistence were liberally provided; and Totila, in the robe of peace, exhibited the equestrian games of the circus. Whilst he amused the eyes of the multitude, four hundred vessels were prepared for the embarkation of his troops. The cities of Rhegium and Tarentum were reduced: he passed into Sicily, the object of his implacable resentment; and the island was stripped of its gold and silver, of the fruits of the earth, and of an infinite number of horses, sheep, and oxen. Sardinia and Corsica obeyed the fortune of Italy; and the sea-coast of Greece was visited by a fleet of three hundred gallies†. The Goths were landed in Corecra and the ancient continent of Epirus; they advanced as far as Nicopolis, the trophy of Augustus, and Dodona‡, once famous by the oracle of Jove. In every step of his victories, the wise Barbarian repeated to Justinian his desire of peace, applauded the concord of their predecessors, and offered to employ the Gothic arms in the service of the empire.

Justinian was deaf to the voice of peace; but he neglected

* The Romans were still attached to the monuments of their ancestors, and according to Procopius (Goth. l. iv. c. 22.), the galley of Ancus, of a single rank of oars, 25 feet in breadth, 120 in length, was preserved entire in the *navalia*, near Monte Testaceo, at the foot of the Aventine (Nardini Roma Antica, l. vii. c. 9. p. 466. Donatus, Roma Antiqua, l. iv. c. 13. p. 334). But all antiquity is ignorant of this relic.

† In these seas, Procopius searched without success for the isle of Calypso. He was shewn, at Phæacia or Corecra, the petrified ship of Ulysses (Odys. xlii. 163.); but he found it a recent fabric of many stones, dedicated by a merchant to Jupiter Cassius (l. iv. c. 22.). Eustathius had supposed it to be the fanciful likeness of a rock.

‡ M. d'Anville (Memoires de l'Acad. tom. xxvii. p. 513—528.) illustrates the gulph of Ambracia; but he cannot ascertain the situation of Dodona. A country in sight of Italy is less known than the wilds of America.

the prosecution of war ; and the indolence of his temper disappointed ; in some degree, the obstinacy of his passions. From this salutary slumber the emperor was awakened by the pope Vigilius and the patrician Cethegus, who appeared before his throne, and adjured him, in the name of God and the people, to resume the conquest and deliverance of Italy. In the choice of the generals, caprice, as well as judgment, was shewn. A fleet and army sailed for the relief of Sicily, under the conduct of Liberius ; but his want of youth and experience were afterwards discovered, and before he touched the shores of the island he was overtaken by his successor. In the place of Liberius the conspirator Artaban was raised from a prison to military honours ; in the pious presumption that gratitude would animate his valour and fortify his allegiance. Belisarius reposed in the shade of his laurels, but the command of the principal army was reserved for Germanus * the emperor's nephew, whose rank and merit had been long depressed by the jealousy of the court. Theodora had injured him in the rights of a private citizen, the marriage of his children, and the testament of his brother ; and although his conduct was pure and blameless, Justinian was displeased that he should be thought worthy of the confidence of the malecontents. The life of Germanus was a lesson of implicit obedience ; he nobly refused to prostitute his name and character in the factions of the circus : the gravity of his manners was tempered by innocent cheerfulness ; and his riches were lent without interest to indigent or deserving friends. His valour had formerly triumphed over the Sclavonians of the Danube and the rebels of Africa : the first report of his promotion revived the hopes of the Italians ; and he was privately assured, that a crowd of Roman deserters would abandon, on his approach, the standard of Totila. His second marriage with Malasontha, the grand-daughter of Theodoric, endeared Germanus to the Goths themselves ; and they marched with reluctance against the father of a royal infant, the

* See the acts of Germanus in the public (Vandal. l. ii. c. 16, 17, 18. Goth. l. iii. c. 31, 32.) and private history (Anecd. c. 5.), and those of his son Justin, in Agathinas (l. iv. p. 130, 131.). Notwithstanding an ambiguous expression of Jornandes, *fratir suo*, Alemanus has proved that he was the son of the emperor's brother.

last offspring the line of Amali*. A splendid allowance was assigned by the emperor: the general contributed his private fortune; his two sons were popular and active; and he surpassed, in the promptitude and success of his levies, the expectation of mankind. He was permitted to select some squadrons of Thracian cavalry: the veterans as well as the youth of Constantinople and Europe, engaged their voluntary service; and as far as the heart of Germany, his fame and liberality attracted the aid of the Barbarians. The Romans advanced to Sardica; an army of Slavonians fled before their march; but within two days of their final departure, the designs of Germanus were terminated by his malady and death. Yet the impulse which he had given to the Italian war still continued to act with energy and effect. The maritime towns, Ancona, Crotona, Centumcellæ, resisted the assaults of Totila. Sicily was reduced by the zeal of Artaban, and the Gothic navy was defeated near the coast of the Hadriatic. The two fleets were almost equal, forty-seven to fifty galleys: the victory was decided by the knowledge and dexterity of the Greeks; but the ships were so closely grappled, that only twelve of the Goths escaped from this unfortunate conflict. They affected to depreciate an element in which they were unskilled, but their own experience confirmed the truth of a maxim, that the master of the sea will always acquire the dominion of the land †.

After the loss of Germanus, the nations were provoked to smile, by the strange intelligence, that the command of the Roman armies was given to an eunuch. But the eunuch Narses ‡ is ranked among the few who have rescued that unhappy name from the contempt and hatred of mankind. A feeble diminutive body concealed the soul of a statesman and a warrior. His youth had been employed in the management of

* *Conjuncta Aniciorum gens cum Amalâ stirpe spei adhuc utriusque generis prouittit* (Jornandes, c. 60. p. 703.). He wrote at Ravenna before the death of Totila.

† The third book of Procopius, is terminated by the death of Germanus (ad. l. iv. c. 23, 24, 25, 26.).

‡ Procopius relates the whole series of this second Gothic war and the victory of Narses (l. iv. c. 21. 26—35.). A splendid scene! Among the six subjects of epic poetry which Tasso revolved in his mind, he hesitated between the conquests of Italy by Belisarius and by Narses (*Hayley's Works*, vol. iv. p. 70.).

the loom and distaff, in the cares of the household, and the service of female luxury; but while his hands were busy, he secretly exercised the faculties of a vigorous and discerning mind. A stranger to the schools and the camp, he studied in the palace to dissemble, to flatter, and to persuade; and as soon as he approached the person of the emperor, Justinian listened with surprise and pleasure to the manly counsels of his chamberlain and private treasurer*. The talents of Narses were tried and improved in frequent embassies; he led an army into Italy, acquired a practical knowledge of the war and the country, and presumed to strive with the genius of Belisarius. Twelve years after his return, the eunuch was chosen to atchieve the conquest which had been left imperfect by the first of the Roman generals. Instead of being dazzled by vanity or emulation, he seriously declared, that unless he were armed with an adequate force, he would never consent to risk his own glory, and that of his sovereign. Justinian granted to the favourite what he might have denied to the hero: the Gothic war was re-kindled from its ashes, and the preparations were not unworthy of the ancient majesty of the empire. The key of the public treasure was put into his hand, to collect magazines, to levy soldiers, to purchase arms and horses, to discharge the arrears of pay, and to tempt the fidelity of the fugitives and deserters. The troops of Germanus were still in arms; they halted at Salona in the expectation of a new leader; and legions of subjects and allies were created by the well-known liberality of the eunuch Narses. The king of the Lombards† satisfied or surpassed the obligations of a

* The country of Narses is unknown, since he must not be confounded with the Persarmenian. Procopius styles him (Goth. l. ii. c. 13. βασιλικῶν χρημάτων ταμίης; Paul Warnefrid (l. ii. c. 3. p. 776.), *Char-tularius*: Marcellinus adds the name of *Cubicularius*. In an inscription on the Salarian bridge he is entitled *Ex-consul, Ex-præpositus, Cubiculi Patricius* (Masou, *Hist. of the Germans*, l. xiii. c. 25.). The law of Theodosius against eunuchs was obsolete or abolished (Annotation x.); but the foolish prophecy of the Romans subsisted in full vigour (Procop. l. iv. c. 21.).

† Paul Warnefrid, the Lombard, records with complacency the success, service, and honourable dismissal of his countrymen—*reipublicæ Romanæ adversus æmulos adjuutores fuerant* (l. ii. c. 1. p. 774. edit. Grot.). I am surprised that Alboin, their martial king, did not lead his subjects in person.

treaty, by lending two thousand two hundred of his bravest warriors, who were followed by three thousand of their martial attendants. Three thousand Heruli fought on horseback under Philemuth, their native chief; and the noble Arstas, who adopted the manners and discipline of Rome, conducted a band of veterans of the same nation. Dagistheus was released from prison to command the Huns; and Kobad, the grandson and nephew of the great king, was conspicuous by the regal tiara at the head of his faithful Persians, who had devoted themselves to the fortunes of their prince*. Absolute in the exercise of his authority, more absolute in the affection of his troops, Narses led a numerous and gallant army from Philippopolis to Salona, from whence he coasted the eastern side of the Hadriatic as far as the confines of Italy. His progress was checked. The East could not supply vessels capable of transporting such multitudes of men and horses. The Franks, who, in the general confusion, had usurped the greater part of the Venetian province, refused a free passage to the friends of the Lombards. The station of Verona was occupied by Teias, with the flower of the Gothic forces; and that skilful commander had overspread the adjacent country with the fall of woods and the inundation of waters†. In this perplexity, an officer of experience proposed a measure, secure by the appearance of rashness; that the Roman army should cautiously advance along the sea-shore, while the fleet preceded their march, and successively cast a bridge of boats over the mouths of the rivers, the Timavus, the Brenta, the Adige, and the Po, that fall into the Hadriatic to the north of Ravenna. Nine days he reposed in the city, collected the fragments of the Italian army, and marched towards Rimini to meet the defiance of an insulting enemy.

* He was, if not an impostor, the son of the blind Zames, saved by compassion, and educated in the Byzantine court by the various motives of policy, pride, and generosity (Procop. Persic. l. i. c. 23.).

† In the time of Augustus, and in the middle ages, the whole waste from Aquileia to Ravenna was covered with woods, lakes, and morasses. Man has subdued nature, and the land has been cultivated, since the waters are confined and embanked. See the learned researches of Muratori (*Antiquitat. Italiz medii Ævi*, tom. i. dissert. xxi. p. 253, 254.), from Vitruvius, Strabo, Herodian, old charters, and local knowledge.

The prudence of Narses impelled him to speedy and decisive action. His powers were the last effort of the state; the cost of each day accumulated the enormous account; and the Nations, untrained to discipline or fatigue, might be rashly provoked to turn their arms against each other, or against their benefactor. The same considerations might have tempered the ardour of Totila. But he was conscious, that the clergy and people of Italy aspired to a second revolution: he felt or suspected the rapid progress of treason, and he resolved to risk the Gothic kingdom on the chance of a day, in which the valiant would be animated by instant danger, and the disaffected might be awed by mutual ignorance. In his march from Ravenna, the Roman general chastised the garrison of Rimini, traversed in a direct line the hills of Urbino, and re-entered the Flaminian way, nine miles beyond the perforated rock, an obstacle of art and nature which might have stopped or retarded his progress*. The Goths were assembled in the neighbourhood of Rome, they advanced without delay to seek a superior enemy, and the two armies approached each other at the distance of one hundred furlongs, between Tagina† and the sepulchres of the Gauls‡. The haughty message of Narses was an offer, not of peace, but of pardon. The answer of the Gothic king declared his resolution, to die or conquer. "What day," said the messenger, "will you fix

* The Flaminian way, as it is corrected from the Itineraries, and the best modern maps, by D'Anville (*Analyse de l'Italie*, p. 147—162.), may be thus stated: ROME to Narni, 51 Roman miles; Terni, 67, Spoleto, 75; Foligno, 88; Nocera, 103; Cagli, 142; Intercrea, 157; Fossombrone, 169; Fano, 176; Pesaro, 184; RIMINI, 208—about 180 English miles. He takes no notice of the death of Totila; but Wesseling (*Itinerar.* p. 614.) exchanges for the field of *Taginas* the unknown appellation of *Ptanias*, eight miles from Nocera.

† Tagina, or rather Tadinæ, is mentioned by Pliny; but the bishopric of that obscure town, a mile from Gualdo, in the plain, was united, in the year 1007, with that of Nocera. The signs of antiquity are preserved in the local appellations, *Fossato*, the camp; *Capraia*, Caprea; *Bastia*, *Busta Gallorum*. See Cluverius (*Italia Antiqua*, l. ii. c. 6. p. 615, 616, 617.), Lucas Holstenius (*Annotat. ad Cluver.* p. 85, 86.), Guazzesi (*Dissertat.* p. 177—217. a professed inquiry), and the maps of the ecclesiastical state and the march of Ancona, by Le Maire and Magini.

‡ The battle was fought in the year of Rome 452; and the Consul Decius, by devoting his own life, assured the triumph of his country and his colleague Fabius (*T. Liv.* x. 28, 29.). Procopius ascribes to Camillus the victory of the *Busta Gallorum*; and his error is branded by Cluverius with the national reproach of *Græcorum nugamenta*.

“ for the combat ? ” “ The eighth day,” replied Totila : but early the next morning he attempted to surprise a foe, suspicious of deceit, and prepared for battle. Ten thousand Heruli and Lombards, of approved valour and doubtful faith, were placed in the centre. Each of the wings was composed of eight thousand Romans ; the right was guarded by the cavalry of the Huns, the left was covered by fifteen hundred chosen horse, destined, according to the emergencies of action, to sustain the retreat of their friends, or to encompass the flank of the enemy. From his proper station at the head of the right wing, the eunuch rode along the line, expressing by his voice and countenance the assurance of victory ; exciting the soldiers of the emperor to punish the guilt and madness of a band of robbers ; and exposing to their view, gold chains, collars, and bracelets, the rewards of military virtue. From the event of a single combat, they drew an omen of success ; and they beheld with pleasure the courage of fifty archers, who maintained a small eminence against three successive attacks of the Gothic cavalry. At the distance only of two bow-shots, the armies spent the morning in dreadful suspense, and the Romans tasted some necessary food, without unloosening the cuirass from their breast, or the bridle from their horses. Narses awaited the charge ; and it was delayed by Totila till he had received his last succours of two thousand Goths. While he consumed the hours in fruitless treaty, the king exhibited in a narrow space the strength and agility of a warrior. His armour was encased with gold ; his purple banner floated with the wind : he cast his lance into the air ; caught it with the right hand ; shifted it to the left ; threw himself backwards ; recovered his seat ; and managed a fiery steed in all the paces and evolutions of the equestrian school. As soon as the succours had arrived, he retired to his tent, assumed the dress and arms of a private soldier, and gave the signal of battle. The first line of cavalry advanced with more courage than discretion, and left behind them the infantry of the second line. They were soon engaged between the horns of a crescent, into which the adverse wings had been insensibly curved, and were saluted from either side by the volleys of four thousand archers. Their arrows, and

even their distress, drove them forwards to a close and unequal conflict, in which they could only use their lances against an enemy equally skilled in all the instruments of war. A generous emulation inspired the Romans and their Barbarian allies; and Narses, who calmly viewed and directed their efforts, doubted to whom he should adjudge the prize of superior bravery. The Gothic cavalry was astonished and disordered, pressed and broken; and the line of infantry, instead of presenting their spears, or opening their intervals, were trampled under the feet of the flying horse. Six thousand of the Goths were slaughtered, without mercy, in the field of Tagina. Their prince, with five attendants, was overtaken by Asbad, of the race of the Gepidæ; "Spare the king of Italy," cried a loyal voice, and Asbad struck his lance through the body of Totila. The blow was instantly revenged by the faithful Goths; they transported their dying monarch seven miles beyond the scene of his disgrace; and his last moments were not embittered by the presence of an enemy. Compassion afforded him the shelter of an obscure tomb; but the Romans were not satisfied of their victory, till they beheld the corpse of the Gothic king. His hat, enriched with gems, and his bloody robe, were presented to Justinian by the messengers of triumph*.

As soon as Narses had paid his devotions to the Author of victory, and the blessed Virgin, his peculiar patroness†, he praised, rewarded, and dismissed the Lombards. The villages had been reduced to ashes by these valiant savages; they ravished matrons and virgins on the altar; their retreat was diligently watched by a strong detachment of regular forces, who prevented a repetition of the like disorders. The victorious eunuch pursued his march through Tuscany, accepted the submission of the Goths, heard the acclamations, and often the complaints of the Italians, and encompassed the walls of Rome with the remainder of his formidable host. Round the wide circumference, Narses assigned to himself, and to each of his lieutenants, a real or a feigned attack, while he silently marked the place of easy and unguarded

* Theophanes, Chron. p. 198. Hist. Miscell. l. xvi. p. 108.

† Evagrius, l. iv. c. 24. The inspiration of the Virgin revealed to Narses the day, and the word, of battle (Paul Diacon. l. ii. c. 3. p. 776.).

entrance. Neither the fortifications of Hadrian's mole, nor of the port, could long delay the progress of the conqueror; and Justinian once more received the keys of Rome, which, under his reign, had been *five* times taken and recovered*. But the deliverance of Rome was the last calamity of the Roman people. The Barbarian allies of Narses too frequently confounded the privileges of peace and war: the despair of the flying Goths found some consolation in sanguinary revenge: and three hundred youths of the noblest families, who had been sent as hostages beyond the Po, were inhumanly slain by the successor of Totila. The fate of the senate suggests an awful lesson of the vicissitude of human affairs. Of the senators whom Totila had banished from their country, some were rescued by an officer of Belisarius, and transported from Campania to Sicily; while others were too guilty to confide in the clemency of Justinian, or too poor to provide horses for their escape to the sea-shore. Their brethren languished five years in a state of indigence and exile: the victory of Narses revived their hopes; but their premature return to the metropolis was prevented by the furious Goths; and all the fortresses of Campania were stained with patrician† blood. After a period of thirteen centuries, the institution of Romulus expired; and if the nobles of Rome still assumed the title of senators, few subsequent traces can be discovered of a public council, or constitutional order. Ascend six hundred years, and contemplate the kings of the earth soliciting an audience, as the slaves or freedmen of the Roman senate‡!

* The Gothic war was yet alive. The bravest of the nation retired beyond the Po; and Teias was unanimously chosen to succeed and revenge their departed hero. The new king

* *Επὶ ταύτῃ βασιλευντος το πριμποι ἱαλω.* In the year 536 by Belisarius, in 546 by Totila, in 547 by Belisarius, in 549 by Totila, and in 552 by Narses. Maltretus had inadvertently translated *sex* times; a mistake which he afterwards retracts: but the mischief was done; and Cousin, with a train of French and Latin readers, have fallen into the snare.

† Compare two passages of Procopius (l. iii. c. 26. l. iv. c. 24.), which, with some collateral hints from Marcellinus and Jornandes, illustrate the state of the expiring senate.

‡ See, in the example of Prusias, as it is delivered in the fragments of Polybius (*Excerpt. Legat. xcvi. p. 927, 928.*), a curious picture of a royal slave.

immediately sent ambassadors to implore, or rather to purchase, the aid of the Franks, and nobly lavished for the public safety, the riches which had been deposited in the palace of Pavia. The residue of the royal treasure was guarded by his brother Aligern at Cumæ in Campania; but the strong castle which Totila had fortified, was closely besieged by the arms of Narses. From the Alps to the foot of mount Vesuvius, the Gothic king, by rapid and secret marches, advanced to the relief of his brother, eluded the vigilance of the Roman chiefs, and pitched his camp on the banks of the Sarnus or *Draco**, which flows from Nuceria into the bay of Naples. The river separated the two armies; sixty days were consumed in distant and fruitless combats, and Teias maintained this important post, till he was deserted by his fleet and the hope of subsistence. With reluctant steps he ascended the *Lactarian* mount, where the physicians of Rome, since the time of Galen, had sent their patients for the benefit of the air and the milk†. But the Goths soon embraced a more generous resolution: to descend the hill, to dismiss their horses, and to die in arms, and in the possession of freedom. The king marched at their head, bearing in his right-hand a lance, and an ample buckler in his left: with the one he struck dead the foremost of the assailants; with the other he received the weapons which every hand was ambitious to aim against his life. After a combat of many hours, his left arm was fatigued by the weight of twelve javelins which hung from his shield. Without moving from his ground, or suspending his blows, the hero called aloud on his attendants for a fresh buckler, but in the moment, while his side was uncovered, it was pierced by a mortal dart. He fell: and his head, exalted on a spear, proclaimed to the nations, that the Gothic kingdom was no more. But the example of his

* The *Δράκων* of Procopius (Goth. l. iv. c. 35.) is evidently the Sarnus. The text is accused or altered by the rash violence of Cluverius (l. iv. c. 3. p. 1156.): but Camillo Pellegrino of Naples (*Discorsi sopra la Campania Felice*, p. 330, 331.) has proved from old records, that as early as the year 922 that river was called the *Dracontio*, or *Draconcello*.

† Galen (*de Method. Medendi*, l. v. apud Cluver. l. iv. c. 3. p. 1156, 1160.) describes the lofty site, pure air, and rich milk of mount Lactarius, whose medicinal benefits were equally known and sought in the time of Symmachus (l. vi. epist. 18.), and Cassiodorus (Var. xi. 10.). Nothing is now left except the name of the town of *Lettere*.

death served only to animate the companions who had sworn to perish with their leader. They fought till darkness descended on the earth. They reposed on their arms. The combat was renewed with the return of light, and maintained with unabated vigour till the evening of the second day. The repose of a second night, the want of water, and the loss of their bravest champions, determined the surviving Goths to accept the fair capitulation which the prudence of Narses was inclined to propose. They embraced the alternative of residing in Italy as the subjects or soldiers of Justinian, or departing with a portion of their private wealth, in search of some independent country *. Yet the oath of fidelity or exile was alike rejected by one thousand Goths, who broke away before the treaty was signed, and boldly effected their retreat to the walls of Pavia. The spirit, as well as the situation of Aligern, prompted him to imitate rather than to bewail his brother: a strong and dexterous archer, he transpierced with a single arrow the armour and breast of his antagonist; and his military conduct defended Cumæ † above a year against the forces of the Romans. Their industry had scooped the Sibyll's cave ‡ into a prodigious mine; combustible materials were introduced to consume the temporary props; the wall and the gate of Cumæ sunk into the cavern, but the ruins formed a deep and inaccessible precipice. On the fragment of a rock, Aligern stood alone and unshaken; till he calmly surveyed the hopeless condition of his country, and judged it more honourable to be the friend of Narses than the slave of the Franks. After the death of Teias, the Roman general separated his troops to reduce the cities of Italy; Lucca sustained a long and vigorous siege; and such was the hu-

* *Buat* (tom. xi. p. 2, &c.) conveys to his favourite Bavaria this remnant of Goths, who by others are buried in the mountains of Uri, or restored to their native isle of Gothland (*Mascou*, Annot. xxi.).

† I leave *Scaliger* (*Animadvers. in Euseb.* p. 59.) and *Salmasius Exercitat. Plinian.* p. 51, 52. to quarrel about the origin of Cumæ, the oldest of the Greek colonies in Italy (*Strab.* l. v. p. 372. *Velleius Paterculus*, l. i. c. 4.), already vacant in *Juvenal's* time (*Satir.* iii.), and now in ruins.

‡ *Agathias* (l. i. c. 21.) settles the Sibyll's cave under the wall of Cumæ; he agrees with *Servius* (ad l. vi. *Æneid.*); nor can I perceive why their opinion should be rejected by *Heyne*, the excellent editor of *Virgil* (tom. ii. p. 650, 651.). In *urbe mediâ secreta religio!* But Cumæ was not yet built; and the lines (l. vi. 96, 97.) would become ridiculous, if *Æneæ* were actually in a Greek city.

manity or the prudence of Narses, that the repeated perfidy of the inhabitants could not provoke him to exact the forfeit lives of their hostages. These hostages were dismissed in safety; and their grateful zeal at length subdued the obstinacy of their countrymen*.

Before Lucca had surrendered, Italy was overwhelmed by a new deluge of Barbarians. A feeble youth, the grandson of Clovis, reigned over the Austrasians or oriental Franks. The guardians of Theodebald entertained with coldness and reluctance the magnificent promises of the Gothic ambassadors. But the spirit of a martial people outstripped the timid counsels of the court: two brothers, Lothaire and Buccelin†, the dukes of the Alemanni, stood forth as the leaders of the Italian war; and seventy-five thousand Germans descended in the autumn from the Rhætian Alps into the plain of Milan. The vanguard of the Roman army was stationed near the Po, under the conduct of Fulcaris, a bold Herulian, who rashly conceived, that personal bravery was the sole duty and merit of a commander. As he marched without order or precaution along the Æmilian way, an ambuscade of Franks suddenly rose from the amphitheatre of Parma: his troops were surprised and routed; but their leader refused to fly, declaring to the last moment that death was less terrible than the angry countenance of Narses. The death of Fulcaris, and the retreat of the surviving chiefs, decided the fluctuating and rebellious temper of the Goths; they flew to the standard of their deliverers, and admitted them into the cities which still resisted the arms of the Roman general. The conqueror of Italy opened a free passage to the irresistible torrent of Barbarians. They passed under the walls of Cesena, and answered by threats and reproaches the advice of Aligern, that the Gothic treasures could no longer repay the labour of an invasion. Two thousand Franks were destroyed by the

* There is some difficulty in connecting the 35th chapter of the ivth book of the Gothic war of Procopius with the first book of the history of Agathias. We must now relinquish a statesman and soldier, to attend the footsteps of a poet and rhetorician (l. i. p. 11. l. ii. p. 51. edit. Louvre).

† Among the fabulous exploits of Buccelin, he discomfited and slew Belisarius, subdued Italy and Sicily, &c. See, in the Historians of France, Gregory of Tours (tom. ii. l. iii. c. 92. p. 208.), and Aimoin (tom. iii. l. ii. de Gestis Francorum, c. 28. p. 59.).

skill and valour of Narses himself, who sallied from Rimini at the head of three hundred horse, to chastise the licentious rapine of their march. On the confines of Samnium, the two brothers divided their forces. With the right wing, Buccelin assumed the spoil of Campania, Lucania, and Bruttium: with the left, Lothaire accepted the plunder of Apulia and Calabria. They followed the coast of the Mediterranean and the Adriatic, as far as Rhegium and Otranto, and the extreme lands of Italy were the term of their destructive progress. The Franks, who were Christians and Catholics, contented themselves with simple pillage and occasional murder. But the churches which their piety had spared, were stripped by the sacrilegious hands of the Alamanni, who sacrificed horses' heads to their native deities of the woods and rivers*: they melted or profaned the consecrated vessels, and the ruins of shrines and altars were stained with the blood of the faithful. Buccelin was actuated by ambition, and Lothaire by avarice. The former aspired to restore the Gothic kingdom; the latter, after a promise to his brother of speedy succours, returned by the same road to deposit his treasure beyond the Alps. The strength of their armies was already wasted by the change of climate and contagion of disease: the Germans revelled in the vintage of Italy; and their own intemperance avenged in some degree the miseries of a defenceless people.

At the entrance of the spring, the imperial troops, who had guarded the cities, assembled to the number of eighteen thousand men, in the neighbourhood of Rome. Their winter hours had not been consumed in idleness. By the command, and after the example of Narses, they repeated each day their military exercise on foot and on horseback, accustomed their ear to obey the sound of the trumpet, and practised the steps and evolutions of the Pyrrhic dance. From the streights of Sicily, Buccelin, with thirty thousand Franks and Alamanni, slowly moved towards Capua, occupied with a wooden tower the bridge of Casilinum, covered

* Agathias notices their superstition in a philosophic tone (l. i. p. 18.). At Zug, in Switzerland, idolatry still prevailed in the year 618: St. Columban and St. Gall were the apostles of that rude country; and the latter founded an hermitage, which has swelled into an ecclesiastical principality and a populous city, the seat of freedom and commerce.

his right by the stream of the Vulturnus, and secured the rest of his encampment, by a rampart of sharp stakes, and a circle of waggons, whose wheels were buried in the earth. He impatiently expected the return of Lothaire; ignorant, alas! that his brother could never return, and that the chief and his army had been swept away by a strange disease* on the banks of the lake Benacus, between Trent and Verona. The banners of Narses soon approached the Vulturnus, and the eyes of Italy were anxiously fixed on the event of this final contest. Perhaps the talents of the Roman general were most conspicuous in the calm operations which precede the tumult of a battle. His skilful movements intercepted the subsistence of the Barbarian, deprived him of the advantage of the bridge and river, and in the choice of the ground and moment of action, reduced him to comply with the inclination of his enemy. On the morning of the important day, when the ranks were already formed, a servant, for some trivial fault, was killed by his master, one of the leaders of the Heruli. The justice or passion of Narses was awakened: he summoned the offender to his presence, and without listening to his excuses, gave the signal to the minister of death. If the cruel master had not infringed the laws of his nation, the arbitrary execution was not less unjust, than it appears to have been imprudent. The Heruli felt the indignity; they halted: but the Roman general, without soothing their rage, or expecting their resolution, called aloud, as the trumpets sounded, that unless they hastened to occupy their place, they would lose the honour of the victory. His troops were disposed† in a long front, the cavalry on the wings; in the centre, the heavy-armed foot; the archers and slingers in the rear. The Germans advanced in a sharp-pointed column, of the form of a triangle or solid wedge. They pierced the feeble centre of Narses, who received them with

* See the death of Lothaire in Agathias (l. ii. p. 59.) and Paul Warnefrid, surnamed Diaconus (l. ii. c. 3. 775.). The Greek makes him rave and tear his flesh. He had plundered churches.

† Père Daniel (*Hist. de la Milice Française*, tom. i. p. 17—21.) has exhibited a fanciful representation of this battle, somewhat in the manner of the Chevalier Folard, the once famous editor of Polybius, who fashioned to his own habits and opinions all the military operations of antiquity.

a smile into the fatal snare, and directed his wings of cavalry insensibly to wheel on their flanks and encompass their rear. The host of the Franks and Alamanni consisted of infantry: a sword and buckler hung by their side, and they used as their weapons of offence, a weighty hatchet, and a hooked javelin, which were only formidable in close combat, or at a short distance. The flower of the Roman archers, on horseback, and in complete armour, skirmished without peril round this immoveable phalanx; supplied by active speed the deficiency of number; and aimed their arrows against a crowd of Barbarians, who, instead of a cuirass and helmet, were covered by a loose garment of fur or linen. They paused, they trembled, their ranks were confounded, and in the decisive moment the Heruli, preferring glory to revenge, charged with rapid violence the head of the column. Their leader, Sindbal, and Aligern, the Gothic prince, deserved the prize of superior valour; and their example incited the victorious troops to atchieve with swords and spears the destruction of the enemy. Buccelin, and the greatest part of his army, perished on the field of battle, in the waters of the Vulturnus, or by the hands of the enraged peasants; but it may seem incredible that a victory*, which no more than five of the Alamanni survived, could be purchased with the loss of fourscore Romans. Seven thousand Goths, the relics of the war, defended the fortress of Campsa till the ensuing spring; and every messenger of Narses announced the reduction of the Italian cities, whose names were corrupted by the ignorance or vanity of the Greeks†. After the battle of Casilinum, Narses entered the capital; the arms and treasures of the Goths, the Franks, and Alamanni, were displayed; his soldiers, with garlands in their hands, chanted the praises of the conqueror; and Rome, for the last time, beheld the semblance of a triumph.

After a reign of sixty years, the throne of the Gothic

* Agathias (l. ii. p. 47.) has produced a Greek epigram of six lines on this victory of Narses, which is favourably compared to the battles of Marathon and Plataea. The chief difference is indeed in their consequences—so trivial in the former instance—to permanent and glorious in the latter.

† The Beroi and Brincas of Theophanes or his transcriber (p. 201.) must be read and understood Verona and Brixia.

kings was filled by the Exarchs of Ravenna, the representatives in peace and war of the emperor of the Romans. Their jurisdiction was soon reduced to the limits of a narrow province: but Narses himself, the first and most powerful of the Exarchs; administered above fifteen years the entire kingdom of Italy. Like Belisarius, he had deserved the honours of envy, calumny, and disgrace: but the favourite eunuch, still enjoyed the confidence of Justinian, or the leader of a victorious army awed and repressed the ingratitude of a timid court. Yet it was not by weak and mischievous indulgence, that Narses secured the attachment of his troops. Forgetful of the past, and regardless of the future, they abused the present hour of prosperity and peace. The cities of Italy resounded with the noise of drinking and dancing: the spoils of victory were wasted in sensual pleasures; and nothing (says Agathias) remained, unless to exchange their shields and helmets for the soft lute and the capacious hogsherd *. In a manly oration, not unworthy of a Roman censor, the eunuch reproved these disorderly vices, which sullied their fame and endangered their safety. The soldiers blushed and obeyed: discipline was confirmed, the fortifications were restored; a duke was stationed for the defence and military command of each of the principal cities †; and the eye of Narses pervaded the ample prospect from Calabria to the Alps. The remains of the Gothic nation evacuated the country, or mingled with the people: the Franks, instead of revenging the death of Buccelin, abandoned, without a struggle, their Italian conquests: and the rebellious Sindbal, chief of the Heruli, was subdued, taken, and hung on a lofty gallows by the inflexible justice of the Exarch ‡. The civil state of Italy, after

* Ελπίτο γὰρ οἱ μὲν αὐτοὶς ὑπο ἀδελτείας τὰς ἀσπίδας, τὺχοι καὶ τὰ κρητὴ ἀμφοτέρωσιν οἷος καὶ βαρβάρων ἀποδοσθαι (Agathias, l. ii. p. 48.). In the first scene of Richard III. our English poet has beautifully enlarged on this idea, for which, however, he was not indebted to the Byzantine historian.

† Maffei has proved (Verona Illustrata, P. i. l. x. p. 257. 289.), against the common opinion, that the dukes of Italy were instituted before the conquest of the Lombards by Narses himself. In the Pragmatic Sanction (No. 23.), Justinian restrains the *judices militares*.

‡ See Paulus Diaconus, l. iii. c. 2. p. 776. Menander (in Excerpt. Legat. p. 133.) mentions some risings in Italy by the Franks, and Theophanes (p. 201.) hints at some Gothic rebellions.

the agitation of a long tempest, was fixed by a pragmatic sanction, which the emperor promulgated at the request of the pope. Justinian introduced his own jurisprudence into the schools and tribunals of the West; he ratified the acts of Theodoric and his immediate successors, but every deed was rescinded and abolished, which force had extorted, or fear had subscribed, under the usurpation of Totila. A moderate theory was framed to reconcile the rights of property with the safety of prescription, the claims of the state with the poverty of the people, and the pardon of offences with the interest of virtue and order of society. Under the Exarchs of Ravenna, Rome was degraded to the second rank. Yet the senators were gratified by the permission of visiting their estates in Italy, and of approaching without obstacle the throne of Constantinople; the regulation of weights and measures was delegated to the pope and senate; and the salaries of lawyers and physicians, of orators and grammarians, were destined to preserve or rekindle the light of science in the ancient capital. Justinian might dictate benevolent edicts*, and Narses might second his wishes by the restoration of cities, and more especially of churches. But the power of kings is most effectual to destroy: and the twenty years of the Gothic war had consummated the distress and depopulation of Italy. As early as the fourth campaign, under the discipline of Belisarius himself, fifty thousand labourers died of hunger† in the narrow region of Picenum‡; and a strict interpretation of the evidence of Procopius would swell the loss of Italy above the total sum of her present inhabitants§.

* The Pragmatic Sanction of Justinian, which restores and regulates the civil state of Italy, consists of xxvii articles: it is dated August 15, A. D. 554; is addressed to Narses, V. J. Præpositus Sacri Cœniculi, and to Antiochus, Præfectus Prætorio Italiæ; and has been preserved by Julian Antecessor, and in the Corpus Juris Civilis, after the novels and edicts of Justinian, Justin, and Tiberius.

† A still greater number was consumed by famine in the southern provinces, without (εξω) the Ionian Gulph. Acorns were used in the place of bread. Procopius had seen a deserted orphan suckled by a she-goat. Seventeen passengers were lodged, murdered, and eaten by two women, who were detected and slain by the eighteenth, &c.

‡ Quinta regio Piceni est; quondam uberrimæ multitudinis, cœclx. millia Picentium in fidem P. R. venere (Plin. Hist. Natur. iii. 18.). In the time of Vespasian, this ancient population was already diminished.

§ Perhaps fifteen or sixteen millions. Procopius (Anecd. c. 18.)

I desire to believe, but I dare not affirm, that Belisarius sincerely rejoiced in the triumph of Narses. Yet the consciousness of his own exploits might teach him to esteem without jealousy the merit of a rival; and the repose of the aged warrior was crowned by a last victory which saved the emperor and the capital. The Barbarians who annually visited the provinces of Europe were less discouraged by some accidental defeats, than they were excited by the double hope of spoil and of subsidy. In the thirty-second winter of Justinian's reign, the Danube was deeply frozen: Zabergan led the cavalry of the Bulgarians, and his standard was followed by a promiscuous multitude of Sclavonians. The savage chief passed, without opposition, the river and the mountains, spread his troops over Macedonia and Thrace, and advanced with no more than seven thousand horse to the long walls which should have defended the territory of Constantinople. But the works of man are impotent against the assaults of nature: a recent earthquake had shaken the foundations of the wall; and the forces of the empire were employed on the distant frontiers of Italy, Africa, and Persia. The seven *schools**, or companies of the guards or domestic troops, had been augmented to the number of five thousand five hundred men, whose ordinary station was in the peaceful cities of Asia. But the places of the brave Armenians were insensibly supplied by lazy citizens, who purchased an exemption from the duties of civil life, without being exposed to the dangers of military service. Of such soldiers, few could be tempted to sally from the gates; and none could be persuaded to remain in the field, unless they wanted strength and speed to escape from the Bulgarians. The report of the fugitives exaggerated the numbers and fierceness of an enemy, who had polluted holy virgins, and abandoned new-born infants to the dogs and vultures; a crowd of rustics, imploring food and protection, increased the consternation of the city, and

computes that Africa lost five millions, that Italy was thrice as extensive, and that the depopulation was in a larger proportion. But his reckoning is inflamed by passion, and clouded with uncertainty.

* In the decay of these military schools, the satire of Procopius (*Anecdotes*, §. 24. Aleman. p. 102, 103.) is confirmed and illustrated by Agathias (*l. v. p. 189.*) who cannot be rejected as an hostile witness.

the tents of Zabergan were pitched at the distance of twenty miles*, on the banks of a small river, which encircles Melanthias, and afterwards falls into the Propontis†. Justinian trembled: and those who had only seen the emperor in his old age, were pleased to suppose, that he had lost the alacrity and vigour of his youth. By his command, the vessels of gold and silver were removed from the churches in the neighbourhood, and even the suburbs of Constantinople: the ramparts were lined with trembling spectators: the golden gate was crowded with useless generals and tribunes, and the senate shared the fatigues and the apprehensions of the populace.

But the eyes of the prince and people were directed to a feeble veteran, who was compelled by the public danger to resume the armour in which he had entered Carthage and defended Rome. The horses of the royal stables, of private citizens, and even of the circus, were hastily collected; the emulation of the old and young was roused by the name of Belisarius, and his first encampment was in the presence of a victorious enemy. His prudence, and the labour of the friendly peasants, secured, with a ditch and rampart, the repose of the night: innumerable fires, and clouds of dust, were artfully contrived to magnify the opinion of his strength: his soldiers suddenly passed from despondency to presumption; and while ten thousand voices demanded the battle, Belisarius dissembled his knowledge, that in the hour of trial he must depend on the firmness of three hundred veterans. The next morning the Bulgarian cavalry advanced to the charge. But they heard the shouts of multitudes, they beheld the arms and discipline of the front; they were assaulted on the flanks by two ambuscades which rose from the woods; their foremost warriors fell by the

* The distance from Constantinople to Melanthias, *Villa Casariana* (Ammian. Marcellin. xxx. 11.), is variously fixed at 102 or 140 stadia (Suidas, tom. ii. p. 522, 523. Agathias, l. v. p. 158.), or xviii or xix miles (Itineraria, p. 138. 230. 323. 332. and Wesseling's Observations). The first xii miles, as far as Rhegium, were paved by Justinian, who built a bridge over a morass or gullet between a lake and the sea (Procop. de Edif. l. iv. c. 8.).

† The Atyras (Pompon. Mela, l. ii. c. 2. p. 169. edit. Voss.). At the river's mouth, a town or castle of the same name was fortified by Justinian (Procop. de Edif. l. iv. c. 2. Itinerar. p. 370. and Wesseling).

hand of the aged hero and his guards; and the swiftness of their evolutions was rendered useless by the close attack and rapid pursuit of the Romans. In this action (so speedy was their flight) the Bulgarians lost only four hundred horse; but Constantinople was saved; and Zabergan, who felt the hand of a master, withdrew to a respectful distance. But his friends were numerous in the council of the emperor, and Belisarius obeyed with reluctance, the commands of envy and Justinian, which forbade him to achieve the deliverance of his country. On his return to the city, the people, still conscious of their danger, accompanied his triumph with acclamations of joy and gratitude, which were imputed as a crime to the victorious general. But when he entered the palace, the courtiers were silent, and the emperor, after a cold and thankless embrace, dismissed him to mingle with the train of slaves. Yet so deep was the impression of his glory on the minds of men, that Justinian, in the seventy-seventh year of his age, was encouraged to advance near forty miles from the capital, and to inspect in person the restoration of the long wall. The Bulgarians wasted the summer in the plains of Thrace; but they were inclined to peace by the failure of their rash attempts on Greece and the Chersonesus. A menace of killing their prisoners quickened the payment of heavy ransoms; and the departure of Zabergan was hastened by the report, that double-prowed vessels were built on the Danube to intercept his passage. The danger was soon forgotten; and a vain question, whether their sovereign had shewn more wisdom or weakness, amused the idleness of the city*.

About two years after the last victory of Belisarius, the emperor returned from a Thracian journey of health, or business, or devotion. Justinian was afflicted by a pain in his head; and his private entry countenanced the rumour of his death. Before the third hour of the day, the bakers' shops were plundered of their bread, the houses were shut, and every citizen, with hope or terror, prepared for the impending tumult. The senators themselves, fearful and

* The Bulgarian war, and the last victory of Belisarius, are imperfectly represented in the profuse declamation of Agathias (l. 5. p. 154—174.) and the dry Chronicle of Theophanes (p. 197. 198.).

suspicious, were convened at the ninth hour; and the prefect received their commands to visit every quarter of the city, and proclaim a general illumination for the recovery of the emperor's health. The ferment subsided; but every accident betrayed the impotence of the government and the factious temper of the people: the guards were disposed to mutiny as often as their quarters were changed or their pay was withheld: the frequent calamities of fires and earthquakes afforded the opportunities of disorder; the disputes of the blues and greens, of the orthodox and heretics, degenerated into bloody battles; and in the presence of the Persian ambassador, Justinian blushed for himself and for his subjects. Capricious pardon and arbitrary punishment embittered the irksomeness and discontent of a long reign: a conspiracy was formed in the palace; and, unless we are deceived by the names of Marcellus and Sergius, the most virtuous and the most profligate of the courtiers were associated in the same designs. They had fixed the time of the execution; their rank gave them access to the royal banquet; and their black slaves* were stationed in the vestibule and porticos, to announce the death of the tyrant, and to excite a sedition in the capital. But the indiscretion of an accomplice saved the poor remnant of the days of Justinian. The conspirators were detected and seized, with daggers hidden under their garments: Marcellus died by his own hand, and Sergius was dragged from the sanctuary†. Pressed by remorse, or tempted by the hopes of safety, he accused two officers of the household of Belisarius; and torture forced them to declare that they had acted according to the secret instruction of their patron‡. Posterity will not hastily believe that an hero who, in the vigour of life, had disdained the fairest offers of ambition and revenge,

* *Idem*. They could scarcely be real Indians; and the Ethiopians, sometimes known by that name, were never used by the ancients as guards or followers: they were the trifling, though costly, objects of female and royal luxury (Terent. Eunuch, act i. scene ii. Sueton. *de August.* c. 22. with a good note of Cassiodor, in Caligula, c. 57.).

† The Sergius (Vandal. l. ii. c. 21, 22. Anecd. v. 4.) and Marcellus (Goth. l. iii. c. 32.) are mentioned by Procopius. See Theophrastus, p. 201.

‡ Alexandrus (p. 3.) quotes an old Byzantine MS. which has been printed in the Imperium Orientale of Banduri.

should stoop to the murder of his prince, whom he could not long expect to survive. His followers were impatient to fly; but flight must have been supported by rebellion, and he had lived enough for nature and for glory. Belisarius appeared before the council with less fear than indignation: after forty years' service, the emperor had prejudged his guilt; and injustice was sanctified by the presence and authority of the patriarch. The life of Belisarius was generously spared; but his fortunes were sequestered, and from December to July, he was guarded as a prisoner in his own palace. At length his innocence was acknowledged; his freedom and honours were restored; and death, which might be hastened by resentment and grief, removed him from the world about eight months after his deliverance. The name of Belisarius can never die: but instead of the funeral, the monuments, the statues, so justly due to his memory, I only read, that his treasures, the spoils of the Goths and Vandals, were immediately confiscated by the emperor. Some decent portion was reserved, however, for the use of his widow; and as Antonina had much to repent, she devoted the last remains of her life and fortune to the foundation of a convent. Such is the simple and genuine narrative of the fall of Belisarius and the ingratitude of Justinian*. That he was deprived of his eyes, and reduced by envy to beg his bread, "Give a penny to Belisarius the general!" is a fiction of later times†, which has obtained

* Of the disgrace and restoration of Belisarius, the genuine original record is preserved in the fragment of John Malala, (tom. ii. p. 234—243.) and the exact Chronicle of Theophanes (p. 194—204.). Cedrenus (Compend. p. 587, 588) and Zonaras (tom. ii. l. xiv. p. 69.) seem to hesitate between the obsolete truth and the growing falsehood.

† The source of this idle fable may be derived from a miscellaneous work of the xiith century, the *Chiliads* of John Tzetzes, a monk (Rusl. 1546, ed. Isaac Lycophront, Colon. Allobrog. 1614. in Corp. Poet. Græc.). He relates the blindness and beggary of Belisarius in ten vulgar or political verses (*Chiliad* iii. No. 88. 339—348. in Corp. Poet. Græc. tom. ii. p. 811.).

Βελισάριος ζῶντι κατὰ ἐβρα τὸ μίσην

Βελισάριος ὄφθαλμοι αὐτοῦ τὸ γράμματα

Ὁι τύχη μιν ἐδεξασιν, ἀποτιφάλλει δ' ὁ φθῶρος.

This thence or romantic tale was imported into Italy with the language and fictions of Greece; repeated before the end of the xvth century by Crinitus Pontanus, and Volaterranus; attacked by Alciat, for the language of the law; and defended by Barocius (*An. D.* 1611, No. 2, dec.) for the

credit, or rather favour, as a strange example of the vicissitudes of fortune*.

If the emperor could rejoice in the death of Belisarius, he enjoyed the base satisfaction only eight months, the last period of a reign of thirty-eight, and a life of eighty-three years. It would be difficult to trace the character of a prince who is not the most conspicuous object of his own times: but the confessions of an enemy may be received as the safest evidence of his virtues. The resemblance of Justinian to the bust of Domitian, is maliciously urged †; with the acknowledgment, however, of a well-proportioned figure, a ruddy complexion, and a pleasing countenance. The emperor was easy of access, patient of hearing, courteous and affable in discourse, and a master of the angry passions, which rage with such destructive violence in the breast of a despot. Procopius praises his temper to reproach him with calm and deliberate cruelty; but in the conspiracies which attacked his authority and person, a more candid judge will approve the justice or admire the clemency of Justinian. He excelled in the private virtues of chastity and temperance: but the impartial love of beauty would have been less mischievous, than his conjugal tenderness for Theodora; and his abstemious diet was regulated, not by the prudence of a philosopher, but the superstition of a monk. His repasts were short and frugal: on solemn fasts, he contented himself with water and vegetables; and such was his strength, as well as fervour, that he frequently passed two days and as many nights, without tasting any food. The measure of his sleep was not less rigorous: after

honour of the church. Yet Tzetzes himself had read in other chronicles, that Belisarius did not lose his sight, nor that he recovered his lands and fortunes.

* The statue in the villa Borghese at Rome, in a sitting posture, with an open hand, which is vulgarly given to Belisarius, may be ascribed with more dignity to Augustus in the act of propitiating Nemesis (cf. Inkelman, *Hist. de l'Art*, tom. iii. p. 266.). *Ex nocturno visu effugit stitem, quotannis, die certo, emendicabat a populo, cavam manum, nec porrigentibus præbens* (Sueton. in August. c. 91. with an excellent note of Casaubon).

† The *rubor* of Domitian is stigmatised, quaintly enough, by the pen of Tacitus (in *Vit. Agricol.* c. 45.); and has been likewise noticed by the younger Pliny (*Panegy.* c. 48.) and Suetonius (in *Domitian*, c. 14. and *Casaubon ad locum.*). Procopius (*Anecd.* c. 8.) foolishly believed that only the bust of Domitian had reached the sixth century.

the repose of a single hour, the body was awakened by the soul, and, to the astonishment of his chamberlains, Justinian walked or studied till the morning light. Such restless application prolonged his time for the acquisition of knowledge and the dispatch of business; had he might seriously deserve the reproach of confounding, by minute and preposterous diligence, the general order of his administration. The emperor professed himself a musician and architect, a poet and philosopher, a lawyer and theologian; and if he failed in the enterprise of reconciling the Christian sects, the review of the Roman jurisprudence is a noble monument of his spirit and industry. In the government of the empire, he was less wise or less successful: the age was unfortunate; the people was oppressed and discontented; Theodora abused her power; a succession of bad ministers disgraced his judgment; and Justinian was neither beloved in his life, nor regretted at his death. The love of fame was deeply implanted in his breast, but he condescended to the poor ambition of titles, honours, and contemporary praise; and while he laboured to fix the admiration, he forfeited the esteem and affection of the Romans. The design of the African and Italian wars was boldly conceived and executed: and his penetration discovered the talents of Belisarius in the camp, of Narses in the palace. But the name of the emperor is eclipsed by the names of his victorious generals; and Belisarius still lives, to upbraid the envy and ingratitude of his sovereign. The partial favour of mankind applauds the genius of a conqueror, who leads and directs his subjects in the exercise of arms. The characters of Philip the Second and of Justinian are distinguished by the cold ambition which delights in war, and declines the dangers of the field: Yet a colossal statue of bronze represented the emperor on horseback, preparing to march against the Persians in the habit and armour of Achilles. In the great square before the church of St. Sophia, this monument was raised on a brass column and a

* The studies and science of Justinian are attested by the confession (Anecd. c. 8. 13.) still more than by the praises (Gothic. l. iii. p. 31. de Edict. l. i. Proem. c. 2.) of Procopius. Consult the capacious mind of Alemannus, and read the life of Justinian by Ludewig (p. 125-142).

stone pedestal of seven steps: and the pillar of Theodosius, which weighed seven thousand four hundred pounds of silver, was removed from the same place by the avarice and vanity of Justinian. Future princes were more just or indulgent to his memory; the elder Andronicus, in the beginning of the fourteenth century, repaired and beautified his equestrian statue: since the fall of the empire, it has been melted into cannon by the victorious Turks*.

I shall conclude this chapter with the comets, the earthquakes, and the plague, which astonished or afflicted the age of Justinian.

I. In the fifth year of his reign, and in the month of September, a comet† was seen during twenty days in the western quarter of the heavens, and which shot its rays into the north. Eight years afterwards, while the sun was in Capricorn, another comet appeared to follow in the Sagittary: the size was gradually increasing; the head was in the east, the tail in the west, and it remained visible above forty days. The nations, who gazed with astonishment, expected wars and calamities from the baleful influence; and these expectations were abundantly fulfilled. The astronomers dissembled their ignorance of the nature of these blazing stars, which they affected to represent as the floating meteors of the air; and few among them embraced the simple notion of Seneca and the Chaldeans, that they are only planets of a longer period and more eccentric motion‡. Time and science have justified the conjectures and predictions of the Roman sage: the telescope has opened new worlds to the eyes of astronomers§; and, in the narrow

* See in the C. P. Christiana of Ducange (l. i. c. 24. No. 1.), a chain of original testimonies, from Procopius in the viith. to Gylliss in the xvith century.

† The first comet is mentioned by John Malala (tom. ii. p. 190. 219.) and Theophanes (p. 154.); the second by Procopius (Persic l. ii. c. 4.). Yet I strongly suspect their identity. The paleness of the sun (Mandal. l. ii. c. 74.) is applied by Theophanes (p. 158.) to a different year.

‡ Plutarch's sixth book of Natural Questions displays, in the history of comets, a philosophic mind. Yet should we not too candidly confound a vague prediction, a *veniet tempus*, &c. with the merit of real discoveries.

§ Astronomers may study Newton and Halley. I draw my humble notice from the article COMETS, in the French Encyclopædia by M. Lalande.

spots of history and fable, one and the same comet is already found to have revisited the earth in such equal revolutions of five hundred and seventy-five years. The *first**, which ascends beyond the Christian era one thousand seven hundred and sixty-seven years, is noted with Ogyges, the father of Grecian antiquity. And this appearance explains the tradition which Varro has preserved, that under his reign the planet Venus changed her colour, size, figure, and course; a prodigy without example either in past or succeeding ages†. The *second* visit, in the year eleven hundred and ninety-three, is darkly implied in the fable of Electra, the seventh of the Pleiads, who have been reduced to six since the time of the Trojan war. That nymph, the wife of Dardanus, was unable to support the ruin of her country; she abandoned the dances of her sister orbs, fled from the zodiac to the north pole, and obtained, from her dishevelled locks, the name of the comet. The *third* period expires in the year six hundred and eighteen, a date that exactly agrees with the tremendous comet of the Sibyll, and perhaps of Pliny, which arose in the West two generations before the reign of Cyrus. The *fourth* apparition, forty-four years before the birth of Christ, is of all others the most splendid and important. After the death of Cæsar, a long-haired star was conspicuous to Rome and to the nations, during the games which were exhibited by young Octavian, in honour of Venus and his uncle. The vulgar opinion, that it conveyed to heaven the divine soul of the dictator, was cherished and consecrated by the piety of a statesman: while his secret superstition referred the comet to the glory of his own times‡. The *fifth* visit has

* Whiston, the honest, pious, visionary Whiston, had fancied, for the area of Noah's flood (2242 years before Christ), a prior apparition of the same comet which drowned the earth with its tail.

† A Dissertation of Freret (Mémoires de l'Académie des Inscriptions, tom. 2. p. 367—377.) affords an happy union of philosophy and tradition. The Phenomenon in the time of Ogyges was preserved by Varro (and Augustus de Civitate Dei, xxi. 6.), who quotes Censorinus, Dionysius, and Adrastus of Cyzicus—nobles mathematici. The two most ancient periods are preserved by the Greek mythologists and the sibylline verses.

‡ Pliny (Hist. Nat. li. 22.) has transcribed the original prediction of Augustus. Malet, in his most ingenious letters to the P. Fermat, missionary in China, removes the games and the comet of September,

swelled by the confux of strangers to the festival of the Ascension. The loss of Berytus* was of smaller account, but of much greater value. That city, on the coast of Phœnicia, was illustated by the study of the civil law, which opened the surest road to wealth and dignity: the schools of Berytus were filled with the rising spirits of the age, and many a youth was lost in the earthquake, who might have lived to be the scourge or the guardian of his country. In these disasters, the architect becomes the enemy of mankind. The hut of a savage, or the tent of an Arab, may be thrown down without injury to the inhabitant; and the Peruvians had reason to deride the folly of their Spanish conquerors, who with so much cost and labour erected their own sepulchres. The rich marbles of a patrician are dashed on his own head: a whole people is buried under the ruins of public and private edifices, and the conflagration is kindled and propagated by the innumerable fires which are necessary for the subsistence and manufactures of a great city. Instead of the mutual sympathy which might comfort and assist the distressed, they dreadfully experience the vices and passions which are released from the fear of punishment: the tottering houses are pillaged by intrepid avarice; revenge embraces the moment, and selects the victim; and the earth often swallows the assassin, or the ravisher, in the consummation of their crimes. Superstition involves the present danger with invisible terrors; and if the image of death may sometimes be subservient to the virtue or repentance of individuals, an affrighted people is more forcibly moved to expect the end of the world, or to deprecate with servile homage the wrath of an avenging Deity.

III. Æthiopia and Egypt have been stigmatised in every age, as the original source and seminary of the plague†. In a damp, hot, stagnating air, this African fever is generated from the putrefaction of animal substances, and espe-

* The university, splendour, and ruin of Berytus are celebrated by Heliodorus (p. 351—353.) as an essential part of the history of the Roman East. It was overthrown in the xxvii year of Justinian, A.D. 531, July 9 (Theophrastus, p. 192); but Agathias (l. ii. p. 51, 52.) suspends the earthquake till he has achieved the Italian war.

† I have read with pleasure Mead's short, but elegant treatise concerning Venereal Disorders, the fifth edition, London, 1792.

chiefly from the swarms of locusts, not less destructive to mankind in their death than in their lives. The fatal disease which depopulated the earth in the time of Justinian and his successors*, first appeared in the neighbourhood of Pelusium, between the Serbonian bog and the eastern channel of the Nile. From thence, tracing as it were a double path, it spread to the East, over Syria, Persia, and the Indies, and penetrated to the West, along the coast of Africa, and over the continent of Europe. In the spring of the second year, Constantinople, during three or four months, was visited by the pestilence; and Procopius, who observed its progress and symptoms with the eyes of a physician†, has emulated the skill and diligence of Thucydides in the description of the plague of Athens‡. The infection was sometimes announced by the visions of a distempered fancy, and the victim despaired as soon as he had heard the menace and felt the stroke of an invisible spectre. But the greater number, in their beds, in the streets, in their usual occupation, were surprised by a slight fever; so slight, indeed, that neither the pulse nor the colour of the patient gave any signs of the approaching danger. The same, the next, or the succeeding day, it was declared by the swelling of the glands, particularly those of the groin, of the arm-pits, and under the ear; and when these buboes or tumours were opened, they were found to contain a coal, or black substance, of the size of a lentil. If they came to a just swelling and suppuration, the patient was saved by this kind and natural discharge of the morbid humour. But if they

* The great plague which raged in 542 and the following years (Pag. Critica, tom. ii. p. 518.), must be traced in Procopius (Peric. l. ii. c. 22, 23.), Agathias (l. v. p. 153, 154.), Evagrius (l. iv. c. 29.), Paul Diaconus (l. ii. c. 40. p. 776, 777.), Gregory of Tours (tom. ii. l. iv. c. 5. p. 205.) who styles it *Lues Inguinaria*, and the Chronicles of Victor Tununensis (p. 9. in Thesaur. Temporum), of Marcellinus (p. 54.), and of Theophanes (p. 133.).

† Dr. Friend (Hist. Medicin. in Opp. p. 416—420. Lond. 1755) is satisfied that Procopius must have studied physic, from his knowledge and use of the technical words. Yet many words that are now scientific, were common and popular in the Greek idiom.

‡ See Thucydides, l. ii. c. 47—54. p. 127—133. edit. Duker, and the poetical description of the same plague by Lucetius (l. vi. l. 100—108.). I was indebted to Dr. Hunter for an elaborate commentary on this part of Thucydides, a quarto of 600 pages (Foliet. 1609, apud Junter) which was pronounced in St. Mark's library, by Fabius Paulinus, a learned physician and philosopher.

continued hard and dry, a mortification quickly ensued, and the fifth day was commonly the term of his life. The fever was often accompanied with lethargy or delirium; the bodies of the sick were covered with black pustules or carbuncles, the symptoms of immediate death; and in the constitutions too feeble to produce an eruption, the vomiting of blood was followed by a mortification of the bowels. To pregnant women the plague was generally mortal: yet one infant was drawn alive from his dead mother, and three mothers survived the loss of their infected fetus. Youth was the most perilous season; and the female sex was less susceptible than the male: but every rank and profession was attacked with indiscriminate rage, and many of those who escaped were deprived of the use of their speech, without being secure from a return of the disorder*. The physicians of Constantinople were zealous and skilful: but their art was baffled by the various symptoms and pertinacious vehemence of the disease: the same remedies were productive of contrary effects, and the event capriciously disappointed their prognostics of death or recovery. The order of funerals, and the right of sepulchres, were confounded; those who were left without friends or servants, lay unburied in the streets, or in their desolate houses; and a magistrate was authorized to collect the promiscuous heaps of dead bodies, to transport them by land or water, and inter them in deep pits beyond the precincts of the city. Their own danger, and the prospect of public distress, awakened some remorse in the minds of the most vicious of mankind; the confidence of health again revived their passions and habits; but philosophy must disdain the observation of Procopius, that the lives of such men were guarded by the peculiar favour of fortune or providence. He forgot, or perhaps he secretly recollected, that the plague had touched the person of Justinian himself; but the abstemious diet of the emperor may suggest, as in the case of Socrates, a more rational and

* Thucydides (c. 51.) affirms, that the infection could only be once taken; and Evagrius who had family experience of the plague, observes, that some persons, who had escaped the first, sunk under the second attack; and the repetition is confirmed by Fabius Pausanias (p. 282.). I observed, that the head physicians are divided; and the nature and operation of this disease may not always be similar.

honorable cause for his recovery. During the plague, the public conversation was expressed in the habit of the citizens; and their illness and dependence occasioned a general scarcity in the capital of the East.

Contagion is the inseparable symptom of the plague, which, by mutual respiration, is transfused from the infected persons to the lungs and stomach of those who approach them. While philosophers believe and tremble, it is singular, that the existence of a real danger should have been denied by a people most prone to vain and imaginary terrors. Yet the fellow-citizens of Procopius were satisfied, by some short and partial experience, that the infection could not be gained by the closest conversation; and this persuasion might support the assiduity of friends or physicians in the care of the sick, whom inhuman prudence would have condemned to solitude and despair. But the fatal security, like the predestination of the Turks, must have aided the progress of the contagion, and those salutary precautions to which Europe is indebted for her safety, were unknown to the government of Justinian. No restraints were imposed on the free and frequent intercourse of the Roman provinces; from Persia to France, the nations were mingled and infected by wars and emigrations; and the pestilential odour which lurks for years in a bale of cotton, was imported, by the abuse of trade, into the most distant regions. The mode of its propagation is explained by the remark of Procopius himself, that it always spread from the sea-coast to the inland country; the most sequestered islands and mountains were successively visited; the places which

* It was thus that Socrates had been saved by his temperance, in the plague of Athens (Aul. Gellius, Noct. Attic. ii. 1.). Dr. Mead accounts for the peculiar salubrity of religious houses, by the two advantages of seclusion and abstinence (p. 18, 19.).

† Mead proves that the plague is contagious, from Thucydides, Eusebius, Aristotle, Galen, and common experience (p. 16—20.); and he relates (Preface, p. ii—xiii.) the contrary opinion of the French physicians who visited Marseilles in the year 1720. Yet there were the records and enlightened spectators of a plague which, in a few months, swept away 50,000 inhabitants (sur la Peste de Marseille, Paris, 1766) of a city which, in the present hour of prosperity and trade, contains more than 200,000 souls (Necrol. sur les Finances, tome i. p. 231.).

‡ The strong assertions of Procopius, and the strong evidence of his overthrow by the subsequent experience of Europe.

had escaped the fury of its first passage, were alone exposed to the contagion of the ensuing year. The winds might diffuse that subtle venom; but unless the atmosphere be previously disposed for its reception, the plague would soon expire in the cold or temperate climates of the earth. Such was the universal corruption of the air, that the pestilence which burst forth in the fifteenth year of Justinian was not checked or alleviated by any difference of the seasons. In time, its first malignity was abated and dispersed; the disease alternately languished and revived; but it was not till the end of a calamitous period of fifty-two years, that mankind recovered their health, or the air resumed its pure and salubrious quality. No facts have been preserved to sustain an account, or even a conjecture, of the numbers that perished in this extraordinary mortality. I only find, that during three months, five, and at length ten thousand persons died each day at Constantinople; that many cities of the East were left vacant, and that in several districts of Italy the harvest and the vintage withered on the ground. The triple scourge of war, pestilence, and famine, afflicted the subjects of Justinian, and his reign is disgraced by a visible decrease of the human species, which has never been repaired in some of the fairest countries of the globe*.

* After some figures of rhetoric, the sands of the sea, &c. Procopius (Anecd. c. 18.) attempts a more definite account: that μυριάδες μυριάδων ἄνθρωποι, had been exterminated under the reign of the Imperial daemon. The expression is obscure in grammar and arithmetic, and a literal interpretation would produce several millions of millions. Alemannus (p. 80.) and Cousin (tom. iii. p. 178.) translate this passage, "two hundred millions;" but I am ignorant of their motives. If we drop the μυριάδες, the remaining μυριάδων μυριάς, a myriad of myriads, would furnish one hundred millions, a number not wholly inadmissible.

CHAP. XLIV.

Idea of the Roman Jurisprudence.—The laws of the Kings.—The Twelve Tables of the Decemvirs.—The Laws of the People.—The Decrees of the Senate.—The Edicts of the Magistrates and Emperors.—Authority of the Civilians.—Code, Pandects, Novels, and Institutes of Justinian:—I. Rights of Persons.—II. Rights of Things.—III. Private Injuries and Actions.—IV. Crimes and Punishments.

THE vain titles of the victories of Justinian are crumbled into dust: but the name of the legislator is inscribed on a fair and everlasting monument. Under his reign, and by his care, the civil jurisprudence was digested in the immortal works of the CODE, the PANDECTS, and the INSTITUTE* : the public reason of the Romans has been silently or studiously transfused into the domestic institutions of Europe†, and the laws of Justinian still command the respect or obedience of independent nations. Wise or fortunate is the prince who connects his own reputation with the honour and interest of a perpetual order of men. The defence of their founder is the first cause, which in every age has exercised the zeal and industry of the civilians. They piously commemorate his virtues; dissemble or deny his failings; and fiercely chastise the guilt or folly of the

* The civilians of the darker ages have established an absurd and incomprehensible mode of quotation, which is supported by authority and custom. In their references to the Code, the Pandects, and the Institutes, they mention the number, not of the book, but only of the law; and content themselves with reciting the first words of the title to which it belongs; and of these titles there are more than a thousand. Ludewig (Vit. Justinian, p. 208.) wishes to shake off this pedantic yoke; and I have dared to adopt the simple and rational method of numbering the book, the title, and the law.

† Germany, Bohemia, Hungary, Poland, and Scotland, have received them as common law or reason; in France, Italy, &c. they possess a direct or indirect influence; and they were respected in England from Stephen to Edward I. our national Justinian (Duck de l'Es et Anselme Jus Civile, l. ii. c. 1. 2.—15. Heineccius, Hist. Juris Germanici, p. 2. 4. No. 29.—30. and the legal historians of each country).

which would presume to sully the majesty of the purple. The flattery of love has provoked, as it usually happens, the reaction of opposition; the character of Justinian has been exposed to the blind vehemence of flattery and invective; and the injustice of a sect (the *Anti-Tribonians*) has refused all praise and merit to the prince, his ministers, and his laws. Attached to no party, interested only for the truth and candour of history, and directed by the most temperate and skillful guides†, I enter with just diffidence on the subject of civil law, which has exhausted so many learned lives, and clothed the walls of such spacious libraries. In a single, if possible, in a short chapter, I shall trace the Roman jurisprudence from Romulus to Justinian‡, appreciate the labours of that emperor, and pause to contemplate the principles of a science so important to the peace and happiness of society. The laws of a nation form the most instructive portion of its history; and, although I have devoted myself to write the annals of a declining monarchy, I shall embrace the occasion to breathe the pure and invigorating air of the republic.

The primitive government of Rome§ was composed with some political skill, of an elective king, a council of nobles,

* Francis Hottonian, a learned and acute lawyer of the xvth century, wished to mortify Cujacius, and to please the Chancellor de l'Hôpital. His *Anti-Tribonianus* (which I have never been able to procure) was published in French in 1609; and his sect was propagated in Germany (Heineccius, *Opp. tom. iii. sylloge iii. p. 171—183*).

† At the head of these guides I shall respectfully place the learned and perspicuous Heineccius, a German professor, who died at Halle in the year 1741 (see his *Eloge* in the *Nouvelle Bibliothèque Germanique*, tom. ii. p. 51—64.). His ample works have been collected in eight volumes in 4to. Geneva, 1743—1748. The treatises which I have separately used are, 1. *Historia Juris Romani et Germanici*, Lugd. Batav. 1740, in 8vo. 2. *Syntagma Antiquitatum Romanarum Jurisprudentiam Illustrantium*, 2 vols. in 8vo. Traject. ad Rhenum. 3. *Elementa Juris Civilis secundum Ordinem Institutionum*, Lugd. Bat. 1761, in 8vo. 4. *Elementa J. C. secundum Ordinem Pandectarum*, Traject. 1772, in 8vo. 2 vols.

‡ Our original text is a fragment de *Origine Juris* (Pandect. l. i. tit. ii.), of Pomponius, a Roman lawyer, who lived under the Antonines (Heineccius, tom. iii. syl. iii. p. 66—126.). It has been abridged and partly corrupted by Tribonian, and since restored by Byakerhook (Heineccius, p. 279—304.).

§ The constitutional history of the kings of Rome may be studied in the first book of Livy, and more copiously in Dionysius Halicarnassensis, lib. i. p. 110—180, l. iv. p. 106—125. I have consulted the original characters of a rhetorician and a Greek.

and a general assembly of the people. War and religion were administered by the supreme magistrate; and he alone proposed the laws, which were debated in the senate, and finally ratified or rejected by a majority of votes in the thirty *curiæ* or parishes of the city. Romulus, Numa, and Servius Tullius, are celebrated as the most ancient legislators; and each of them claims his peculiar part in the threefold division of Jurisprudence*. The laws of marriage, the education of children, and the authority of parents, which may seem to draw their origin from nature itself, are ascribed to the untutored wisdom of Romulus. The law of nations and of religious worship, which Numa introduced, was derived from his nocturnal converse with the nymph Egeria. The civil law is attributed to the experience of Servius: he balanced the rights and fortunes of the seven classes of citizens; and guarded, by fifty new regulations, the observance of contracts and the punishment of crimes. The state, which he had inclined towards a democracy, was changed by the last Tarquin into lawless despotism; and when the kingly office was abolished, the patricians engrossed the benefits of freedom. The royal laws became odious or obsolete; the mysterious deposit was silently preserved by the priests and nobles; and, at the end of sixty years, the citizens of Rome still complained that they were ruled by the arbitrary sentence of the magistrates. Yet the positive institutions of the kings had blended themselves with the public and private manners of the city; some fragments of that venerable jurisprudence† were compiled by

* This threefold division of the law was applied to the three Roman kings by Justus Lipsius (Opp. tom. iv. p. 279.); is adopted by Gravina (Origines Juris Civilis, p. 28. edit. Lips. 1737); and is reluctantly admitted by Mascou, his German editor.

† The most ancient Code or Digest was styled *Jus Papirianum*, from the first compiler, Papirius, who flourished somewhat before or after the *Regifugium* (Pandect. l. i. tit. ii.). The best judicial critics, even Bynkershoek (tom. i. p. 284, 285.) and Heineccius (Hist. J. C. R. l. i. c. 16, 17. and Opp. tom. iii. sylloge iv. p. 1—8.), give credit to this tale of Pomponius, without sufficiently adverting to the value and rarity of such a monument of the third century, of the illiterate city. I much suspect that the Caius Papirius, the Pontifex Maximus, who revived the laws of Numa (Dionys. Hal. l. iii. p. 171.), left only an oral tradition; and that the *Jus Papirianum* of Granius Flaccus (Prefect. l. v. tit. xxi. leg. 144.) was not a commentary, but an original work compiled in the

the diligence of antiquarians*, and above twenty texts still speak the rudeness of the Pelasgic idiom of the Latins†.

I shall not repeat the well-known story of the Decemvirs‡, who sullied by their actions the honour of inscribing on brass, or wood, or ivory, the TWELVE TABLES of the Roman laws§. They were dictated by the rigid and jealous spirit of an aristocracy, which had yielded with reluctance to the just demands of the people. But the substance of the twelve tables was adapted to the state of the city; and the Romans had emerged from barbarism, since they were capable of studying and embracing the institutions of their more enlightened neighbours. A wise Ephesian was driven by envy from his native country: before he could reach the shores of Latium, he had observed the various forms of human nature and civil society; he imparted his knowledge to the legislators of Rome, and a statue was erected in the forum to the perpetual memory of Hermodorus||. The

time of Cæsar (Censorin. de Die Natali, l. iii. p. 13. Duker de Latinitate J. C. p. 157.).

* A pompous, though feeble attempt to restore the original, is made in the *Histoire de la jurisprudence Romaine* of Terrasson; p. 24—72. Paris, 1750, in folio; a work of more promise than performance.

† In the year 1444, seven or eight tables of brass were dug up between Cortona and Gubbio. A part of these, for the rest is Etruscan, represents the primitive state of the Pelasgic letters and language, which are ascribed by Herodotus to that district of Italy (l. i. c. 56, 57, 58.); though this difficult passage may be explained of a Crestona in Thrace (Notes de Larcher, tom. i. p. 256—261.). The savage dialect of the Eugubine tables has exercised, and may still elude, the divination of criticism; but the root is undoubtedly Latin, of the same age and character as the *Saliare Carmen*, which, in the time of Horace, none could understand. The Roman idiom, by an infusion of Doric and Æolic Greek, was gradually ripened into the style of the xii tables, of the *Duillian column*, of Ennius, of Terence, and of Cicero (Gruter. Inscript. tom. i. p. cxlii. Scipion Maffei, *istoria Diplomatica*, p. 241—258. *Bibliothèque Italique*, tom. iii. p. 30—41. 174—205. tom. xiv. p. 1—52.).

‡ Compare Livy (l. iii. c. 51—59.) with Dionysius Halicarnassensis (l. i. p. 644—xi. p. 691.). How concise and animated is the Roman—how polished and lifeless is the Greek? Yet he has admirably judged the matter, and defined the rules of historical composition.

§ From the historians, Heineccius (Hist. J. E. l. i. No. 28.) maintains that the twelve tables were of brass—*æreas*: in the text of Pomponius we read *æbreas*; for which Scaliger has substituted *roboreas* (Hynobæus, p. 206.). Wood, brass, and ivory, might be successively em-

|| His statue is mentioned by Cicero (*Tusculan. Question. v. 50.*); his name by Pliny (*Hist. Nat. xxxiv. 11.*). The letters *δωμο*, and probably *δωμο*, are alike spurious (*Epist. Græc. Divers. p. 657.*).

names and divisions of the copper-money, the sole coin of the infant state, were of Dorian origin *: the harvests of Campania and Sicily relieved the wants of a people whose agriculture was often interrupted by war and factions; and since the trade was established †, the deputies who sailed from the Tyber, might return from the same harbours with a more precious cargo of political wisdom. The colonies of Great Greece had transported and improved the arts of their mother-country. Cumæ and Rhegium, Crotona and Tarentum, Agrigentum and Syracuse, were in the rank of the most flourishing cities. The disciples of Pythagoras applied philosophy to the use of government; the unwritten laws of Charondas accepted the aid of poetry and music ‡, and Zaleucus framed the republic of the Locrians, which stood without alteration above two hundred years §. From a similar motive of national pride, both Livy and Dionysius are willing to believe, that the deputies of Rome visited Athens under the wise and splendid administration of Pericles; and the laws of Solon were transfused into the twelve tables. If such an embassy had indeed been received from the Barbarians of Hesperia, the Roman name would have been familiar to the Greeks before the reign of Alexander ||;

* This intricate subject of the Sicilian and Roman money, is ably discussed by Dr. Bentley (Dissertation on the Epistles of Phalaris, p. 427—479.), whose powers in this controversy were called forth by honour and resentment.

† The Romans, or their allies, sailed as far as the fair promontory of Africa (Polyb. l. iii. p. 177. edit. Casaubon, in folio). Their voyages to Cumæ, &c. are noticed by Livy and Dionysius.

‡ This circumstance would alone prove the antiquity of Charondas, the legislator of Rhegium and Catana, who, by a strange error of Diodorus Siculus (tom. i. l. xii. p. 485—492.), is celebrated long afterwards as the author of the policy of Thurium.

§ Zaleucus, whose existence has been rashly attacked, had the merit and glory of converting a band of outlaws (the Locrians) into the most virtuous and orderly of the Greek republics (see two Memoires of the Baron de St. Croix, sur la Legislation de la Grande Grèce, Mem. de l'Academie, tom. xlii. p. 276—333.). But the laws of Zaleucus and Charondas, which imposed on Diodorus and Stobæus, are the spurious composition of a Pythagorean sophist, whose fraud has been detected by the critical sagacity of Bentley (p. 335—377.).

|| I seize the opportunity of tracing the progress of this national course: 1. Herodotus and Thucydides (A. U. C. 430—480) were ignorant of the name and existence of Rome (Joseph contra Apian. lib. ii. l. i. c. 12. p. 44. edit. Havercamp). 2. Theopompus (A. U. C. 411. lib. iii. §.) mentions the invasion of the Gauls, which

HISTORY OF THE RISE AND FALL

and the faintest evidence would have been explored and celebrated by the curiosity of succeeding times. But the Athenian monuments are silent; nor will it seem credible that the patricians should undertake a long and perilous navigation to copy the purest model of democracy. In the comparison of the tables of Solon with those of the Decemvirs, some casual resemblance may be found: some rules which nature and reason have revealed to every society; some proofs of a common descent from Egypt or Phœnicia*. But in all the great lines of public and private jurisprudence, the legislators of Rome and Athens appear to be strangers or adverse to each other.

Whatever might be the origin or the merit of the twelve tables†, they obtained among the Romans that blind and partial reverence which the lawyers of every country delight to bestow on their municipal institutions. The study is recommended by Cicero‡ as equally pleasant and instructive. "They amuse the mind by the remembrance of old words and the portrait of ancient manners; they inculcate the soundest principles of government and morals; and I am not afraid to affirm, that the brief composition

looser terms by Heraclides Ponticus (Plutarch in Camillo, p. 292. edit. H. Stephan.). 3. The real or fabulous embassy of the Romans to Alexander (A. U. C. 430.), is attested by Clitarchus (Plin. iii. 9), by Aristus and Asclepiades (Arrian, l. vii. p. 294, 295.), and by Memnon of Heraclea (apud Photium, cod. ccxiv. p. 725.); though tacitly denied by Livy. 4. Theophrastus (A. U. C. 440.) primus externorum aliqua de Romanis diligentius scripsit (Plin. iii. 9.) 5. Lycophron (A. U. C. 480—500.) scattered the first seed of a Trojan colony and the fable of the *Eneid* (Cassandra, 1226—1280.):

Τῆς καὶ θαλάσσης σκήτρα καὶ μοναρχίας
λαβόντες.

A bold prediction before the end of the first Punic war!

* The tenth table, *de modo sepulture*, was borrowed from Solon (Cicero de Legibus, ii. 23—26.): the *fortum per lancem et licium conceptum* is derived by Heineccius from the manners of Athens (Antiquitat. Rom. tom. ii. p. 167—175.). The right of killing a nocturnal thief, was declared by Moses, Solon, and the Decemvirs (Exodus, xxii. 3. Demosthenes contra Timocratem, tom. i. p. 736. edit. Heiske. Macrob. Satur. dial. l. i. c. 4. Collatio Legum Mosaicarum et Romanarum, tit. vii. No. 1. p. 218. edit. Cannegieter).

† *Βραχυὶ καὶ ἀκριβοῦς* is the praise of Diodorus (tom. i. l. xii. p. 294.), which may be fairly translated by the eleganti atque absolutè brevitate verborum of Aulus Gellius (Noct. Attic. xxi. 1.).

‡ Listen to Cicero (de Legibus, ii. 23.) and his representative Cælius (de Oratore, i. 44.).

of the Decemvirs surpasses in genuine value the libraries of Grecian philosophy. How admirable," says Ruy, with honest or affected prejudice, "is the wisdom of our ancestors! We alone are the masters of civil prudence, and our superiority is the more conspicuous, if we deign to cast our eyes on the rude and almost ridiculous jurisprudence of Dracon, of Solon, and of Lycurgus." The twelve tables were committed to the memory of the young and the meditation of the old; they were transcribed and illustrated with learned diligence: they had escaped the flames of the Gauls, they subsisted in the age of Justinian, and their subsequent loss has been imperfectly restored by the labours of modern critics*. But although these venerable monuments were considered as the rule of right, and the fountain of justice†, they were overwhelmed by the weight and variety of new laws, which, at the end of five centuries, became a grievance more intolerable than the vices of the city‡. Three thousand brass plates, the acts of the senate and people, were deposited in the Capitol§: and some of the acts, as the Julian law against extortion, surpassed the number of an hundred chapters||. The Decemvirs had neglected to import the sanction of Zaleucus, which so long maintained the integrity of his republic. A Locrian who proposed any new law, stood forth in the assembly of the people with a cord round his neck, and if the law was rejected, the innovator was instantly strangled.

The Decemvirs had been named, and their tables were approved by an assembly of the centuries, in which riches preponderated against numbers. To the first class of Romans, the proprietors of one hundred thousand pounds of

* See Heineccius (Hist. J. R. No. 29—33.). I have followed the restoration of the xii tables by Gravina (Origines J. C. p. 280—307.) and Terrasson (Hist. de la Jurisprudence Romaine, p. 94—205.).

† Finis æqui juris (Tacit. Annal. iii. 27.). Fons omnis publici et privati juris (T. Liv. iii. 34.).

‡ De principiis juris, et quibus modis ad hæc multitudinem infinitam varietatem legum perventum sit *altius* disseram (Tacit. Annal. iii. 25.). This deep disquisition fills only two pages, but they are the pages of Tacitus. With equal sense, but with less energy, Dion (iii. 84.) had complained, in hac immenso aliarum super alias accervatarum legum amulo, &c.

§ Suetonius in Vespasiano, c. 8.

|| Cicero ad Familiarem. viii. 8.

HISTORY OF THE ROMANS AND FALL

seventy-eight votes were assigned, and only ninety-five were left for the six inferior classes, distributed according to their substance by the artful policy of Servius. But the tribes soon established a more specious and popular maxim, that every citizen has an equal right to enact the laws which he is bound to obey. Instead of the *centuries*, they counted the *tribes*; and the patricians, after an important struggle, submitted to the decrees of an assembly, in which their votes were confounded with those of the meanest plebeians. Yet as long as the tribes successively passed over narrow bridges†, and gave their voices aloud, the conduct of each citizen was exposed to the eyes and ears of his friends and countrymen. The insolvent debtor consulted the wishes of his creditor; the client would have blushed to oppose the views of his patron: the general was followed by his veterans, and the aspect of a grave magistrate was a living lesson to the multitude. A new method of secret ballot abolished the influence of fear and shame, of honour and interest, and the abuse of freedom accelerated the progress of anarchy and despotism‡. The Romans had aspired to be equal; they were levelled by the equality of servitude; and the dictates of Augustus were patiently ratified by the formal consent of the tribes or centuries. Once,

* Dionysius, with Arbutnot, and most of the moderns (except Eisen-schmidt de Ponderibus, &c. p. 187—140.), represent the 100,000 *asses* by 10,000 Attic drachmæ, or somewhat more than 300 pounds sterling. But their calculation can apply only to the latter times, when the *as* was diminished to $\frac{1}{16}$ of its ancient weight: nor can I believe that in the first ages, however destitute of the precious metals, a single ounce of silver could have been exchanged for seventy pounds of copper or brass. A more simple and rational method is, to value the copper itself according to the present rate, and, after comparing the mint and the market price, the Roman and averdupois weight, the primitive *as* or Roman pound of copper may be appreciated at one English shilling, and the 100,000 *asses* of the first class amounted to 5000 pounds sterling. It will appear from the same reckoning, that an ox was sold at Rome for five pounds, a sheep for ten shillings, and a quarter of wheat for one pound ten shillings (Festus, p. 330. edit. Dacier. Plin. Hist. Natur. xviii. 4.): nor do I see any reason to reject these consequences, which moderate our ideas of the poverty of the first Romans.

† Consult the common writers on the Roman Comitia, especially Suetonius and Beaufort. Spanheim (de Præstantiâ et Usu Numismatum, tom. ii. dissert. x. p. 192, 193.) shews, on a curious medal, the *Cista*, *Patera*, *Septa*, *Diribitor*, &c.

‡ Cicero (de Legibus, iii. 16, 17, 18.) debates this constitutional question, and assigns to his brother Quintus the most unpopular side.

and once only, he experienced a sincere and strong opposition. His subjects had resigned all political liberty; they defended the freedom of domestic life. A law which enforced the obligation, and strengthened the bonds of marriage, was clamorously rejected; Propertius, in the name of Delia, applauded the victory of licentious love; and the project of reform was suspended till a new and more respectable generation had arisen in the world*. Such an example was not necessary to instruct a prudent usurper, of the mischief of popular assemblies; and their abolition, which Augustus had silently prepared, was accomplished without resistance, and almost without notice, on the accession of his successor†. Sixty thousand plebeian legislators, whom numbers made formidable, and poverty secure, were supplanted by six hundred senators, who held their honours, their fortunes, and their lives, by the clemency of the emperor. The loss of executive power was alleviated by the gift of legislative authority; and Ulpian might assert, after the practice of two hundred years, that the decrees of the senate obtained the force and validity of laws. In the times of freedom, the resolves of the people had often been dictated by the passion or error of the moment: the Cornelian, Pompeian, and Julian laws, were adapted by single hand to the prevailing disorders: but the senate, under the reign of the Cæsars, was composed of magistrates and lawyers, and in questions of private jurisprudence, the integrity of their judgment was seldom perverted by fear or interest‡.

The silence or ambiguity of the laws was supplied by the occasional EDICTS of those magistrates who were invested with the *honours* of the state§. This ancient prerogative of

* *Præ tumultu recusantium perferre non potuit* (Sueton. in August. c. 34.). See Propertius, l. ii. eleg. 6: Heinoccius, in a separate history, has exhausted the whole subject of the Julian and Papien-Poppæan laws (Opp. tom. vii. P. i. p. 1—479.).

† Tacit. *Annal.* i. 45. Lipsius, *Excursus E.* in Tacitum.

‡ Non ambigitur senatum jus facere posse, is the decision of Ulpian (l. xvi. ad Edict. in Pandect. l. i. tit. iii. leg. 9.). Pomponius treats the *familia* of the people as a *turba hominum* (Pandect. l. i. tit. ii. leg. 9.).

§ The *jus honorarium* of the prætors and other magistrates, is strictly defined in the Latin text of the Institutes, (l. i. tit. ii. No. 7.), and more loosely explained in the Greek paraphrase of Theophilus (p. 33—34. ed. Beitz), who drops the important word *honorarium*.

HISTORY OF THE DECLINE AND FALL

the Roman kings, was transferred in their respective offices, to the consuls and dictators, the censors and prætors; and a similar right was assumed by the tribunes of the people, the ediles, and the proconsuls. At Rome, and in the provinces, the duties of the subject, and the intentions of the governor, were proclaimed; and the civil jurisprudence was reformed by the annual edicts of the supreme judge, the prætor of the city. As soon as he ascended his tribunal, he announced by the voice of the cryer, and afterwards inscribed on a white wall, the rules which he proposed to follow in the decision of doubtful cases, and the relief which his equity would afford from the precise rigour of antient statutes. A principle of discretion more congenial to monarchy was introduced into the republic: the art of respecting the name, and eluding the efficacy, of the laws, was improved by successive prætors; subtleties and fictions were invented to defeat the plainest meaning of the Decemvirs, and where the end was salutary, the means were frequently absurd. The secret or probable wish of the dead was suffered to prevail over the order of succession and the forms of testaments; and the claimant, who was excluded from the character of heir, accepted with equal pleasure from an indulgent prætor the possession of the goods of his late kinsman or benefactor. In the redress of private wrongs, compensations and fines were substituted to the obsolete rigour of the twelve tables; time and space were annihilated by fanciful suppositions; and the plea of youth, or fraud, or violence, annulled the obligation, or excused the performance, of an inconvenient contract. A jurisdiction thus vague and arbitrary was exposed to the most dangerous abuse: the substance, as well as the form of justice, were often sacrificed to the prejudices of virtue, the bias of laudable affection, and the grosser seductions of interest or resentment. But the errors or vices of each prætor expired with his annual office; such maxims alone as had been approved by reason and practice were copied by succeeding judges; the rule of proceeding was defined by the solution of new cases; and the temptations of injustice were removed by the Cornelian law, which compelled the prætor of the year to adhere to

the letter and spirit of his first proclamation*. It was reserved for the curiosity and learning of Hadrian, to accomplish the design which had been conceived by the genius of Cæsar; and the prætorship of Salvius Julian, an eminent lawyer, was immortalized by the composition of the *PERPETUAL EDICT*. This well-digested code was ratified by the emperor and the senate; the long divorce of law and equity was at length reconciled; and, instead of the twelve tables, the perpetual edict was fixed as the invariable standard of civil jurisprudence†.

From Augustus to Trajan, the modest Cæsars were content to promulgate their edicts in the various characters of a Roman magistrate: and, in the decrees of the senate, the *epistles* and *orations* of the prince were respectfully inserted. Hadrian‡ appears to have been the first who assumed, without disguise, the plenitude of legislative power. And this innovation, so agreeable to his active mind, was countenanced by the patience of the times, and his long absence from the seat of government. The same policy was embraced by succeeding monarchs, and, according to the harsh metaphor of Tertullian, “the gloomy and intricate forest” of ancient laws was cleared away by the axe of royal “mandates and *constitutions*§.” During four centuries, from Hadrian to Justinian, the public and private jurisprudence was moulded by the will of the sovereign; and few

* Dion Cassius (tom. i. l. xxxvi. p. 100.) fixes the perpetual edicts in the year of Rome 686. Their institution, however, is ascribed to the year 585 in the *Acta Diurna*, which have been published from the papers of Ludovicus Vives. Their authenticity is supported or allowed by Pighius (*Annal. Roman.* tom. ii. p. 577, 578), Grævius (ad Sueton. p. 778), Dodwell (*Prælection.* Cambden, p. 665), and Heineccius: but a single word, *Scutum Cimbricum*, detects the forgery (Moyle's Works, vol. i. p. 303.).

† The history of edicts is composed, and the text of the perpetual edict is restored, by the master-hand of Heineccius (*Opp.* tom. vii. P. ii. p. 1—564.); in whose researches I might safely acquiesce. In the *Academy of Inscriptions*, M. Bouchaud has given a series of memoirs to this interesting subject of law and literature.

‡ His laws are the first in the Code. See Dodwell (*Prælect.* Cambden, p. 319—340.), who wanders from the subject in confused reading and feeble paradox.

§ *Totam illam veterem et squalentem sylvam legum novis principum rescriptorum et edictorum securibus rursatis et caeditis* (*Apolog.* c. 4. p. 80. edit. Havercamp.). He proceeds to praise the recent firmness of Severus, who repealed the useless or pernicious laws without any regard to their age or authority.

institutions, either human or divine, were permitted to stand on their former basis. The origin of Imperial legislation was concealed by the darkness of ages and the terrors of armed despotism; and a double fiction was propagated by the servility, or perhaps the ignorance, of the civilians who basked in the sunshine of the Roman and Byzantine courts. 1. To the prayer of the ancient Cæsars, the people or the senate had sometimes granted a personal exemption from the obligation and penalty of particular statutes; and each indulgence was an act of jurisdiction exercised by the republic over the first of her citizens. His humble privilege was at length transformed into the prerogative of a tyrant; and the Latin expression of “released from the laws*,” was supposed to exalt the emperor above *all* human restraints, and to leave his conscience and reason, as the sacred measure of his conduct. 2. A similar dependance was implied in the decrees of the senate, which, in every reign, defined the titles and powers of an elective magistrate. But it was not before the ideas, and even the language, of the Romans had been corrupted, that a *royal* law†, and an irrevocable gift of the people, were created by the fancy of Ulpian, or more probably of Tribonian himself‡: and the origin of Imperial power, though false in fact, and slavish in its consequence, was supported on a principle of freedom and justice. “The pleasure of the emperor has the vigour and effect of law, since the Roman people, by the royal law, have transferred to their prince the full extent of their own power and sovereignty§.” The will of a single man, of

* The constitutional style of *Legibus Solutus* is misinterpreted by the art or ignorance of Dion Cassius (tom. i. l. liii. p. 718.). On this occasion his editor, Reimar, joins the universal censure which freedom and criticism have pronounced against that slavish historian.

† The word (*Lex Regia*) was still more recent than the *thing*. The slaves of Commodus or Caracalla would have started at the name of royalty.

‡ See Gravina (Opp. p. 501—512.) and Beaufort (Republique Romaine, tom. i. p. 255—274.). He has made a proper use of two dissertations by John Frederick Gronovius and Noodt, both translated, with valuable notes, by Barbeyrac, 2 vols. in 12mo, 1731.

§ Institut l. i. tit. ii. No. 6. Pandect. l. i. tit. iv. leg. 1. Cod Justinian, l. i. tit. xvii. leg. 1. No. 7. In his Antiquities and Elements, Heineccius has amply treated de constitutionibus principum, which are illustrated by Godefroy (Comment. ad Cod. Theodos. l. i. tit. i, ii, iii.) and Gravina (p. 87—90.).

a child perhaps, was allowed to prevail over the wisdom of ages and the inclinations of millions; and the degenerate Greeks were proud to declare, that in his hands alone the arbitrary exercise of legislation could be safely deposited. "What interest or passion," exclaims Theophilus in the court of Justinian, "can reach the calm and sublime elevation of the monarch? he is already master of the lives and fortunes of his subjects; and those who have incurred his displeasure, are already numbered with the dead*." Disdaining the language of flattery, the historian may confess, that in questions of private jurisprudence, the absolute sovereign of a great empire can seldom be influenced by any personal considerations. Virtue, or even reason, will suggest to his impartial mind, that he is the guardian of peace and equity, and that the interest of society is inseparably connected with his own. Under the weakest and most vicious reign, the seat of justice was filled by the wisdom and integrity of Papinian and Ulpian†; and the purest materials of the Code and Pandects are inscribed with the names of Caracalla and his ministers‡. The tyrant of Rome was sometimes the benefactor of the provinces. A dagger terminated the crimes of Domitian; but the prudence of Nerva confirmed his acts, which, in the joy of their deliverance, had been rescinded by an indignant senate§. Yet in the *rescripts*||, replies to the consultations of the magistrates, the wisest of princes might be deceived by a partial exposition of the case. And this abuse, which placed their hasty

* Theophilus, in Paraphras. Græc. Institut. p. 93, 94. edit. Reitz. For his person, time, writings, see the Theophilus of J. H. Mylius, Excurs. iii. p. 1074—1073.

† There is more envy than reason in the complaint of Macrinus (Jul. Capitolin. c. 13.): *Nefas esse leges videri Commodi et Caracallæ et hominum imperitorum voluntates*. Commodus was made a Divus by Severus (Dodwell Prælect. viii. p. 324, 325.). Yet he occurs only twice in the Pandects.

‡ Of Antoninus Caracalla alone 200 constitutions are extant in the Code, and with his father 160. These two princes are quoted fifty times in the Pandects and eight in the Institutes (Ferasson, p. 265.).

§ Plin. Second. Epistol. x. 66. Sueton. in Domitian. c. 23.

|| It was a maxim of Constantine, *contra jus rescripta non valeant* (Cod. Theodos. l. i. tit. ii. leg. 1.). The emperors reluctantly allow some scrutiny into the law and the fact, some delay, petition, &c.; but these insufficient remedies are too much in the discretion and at the peril of the judge.

decisions on the same level with mature and deliberate acts of legislation, was ineffectually condemned by the sense and example of Trajan. The *rescripts* of the emperor, his *grants*, and *decrees*, his *edicts* and *pragmatic sanctions*, were subscribed in purple ink*, and transmitted to the provinces as general or special laws, which the magistrates were bound to execute, and the people to obey. But as their number continually multiplied, the rule of obedience became each day more doubtful and obscure, till the will of the sovereign was fixed and ascertained in the Gregorian, the Hermogenian, and the Theodosian codes. The two first, of which some fragments have escaped, were framed by two private lawyers, to preserve the constitutions of the Pagan emperors from Hadrian to Constantine. The third, which is still extant, was digested in sixteen books by the order of the younder Theodosius, to consecrate the laws of the Christian princes from Constantine to his own reign. But the three codes obtained an equal authority in the tribunals; and any act which was not included in the sacred deposit, might be disregarded by the judge as spurious or obsolete†.

Among savage nations, the want of letters is imperfectly supplied by the use of visible signs, which awaken attention, and perpetuate the remembrance of any public or private transaction. The jurisprudence of the first Romans exhibited the scenes of a pantomime; the words were adapted to the gestures, and the slightest error or neglect in the *forms* of proceeding, was sufficient to annul the *substance* of the fairest claim. The communion of the marriage-life was denoted by the necessary elements of fire and water‡: and the divorced wife resigned the bunch of keys, by the delivery of which, she had been invested with the government of the family. The manumission of a son, or a slave, was

* A compound of vermillion and cinnabar, which marks the Imperial diplomas from Leo I. (A. D. 470) to the fall of the Greek empire (Bibliothèque Raisonnée de la Diplomatie, tom. i. p. 509—514. Lami, de Eruditione Apostolorum, tom. ii. p. 720—726.).

† Schulting, *Jurisprudentia Ante-Justiniana*, p. 681—718. Cujacius assigned to Gregory the reigns from Hadrian to Gallienus, and the continuation to his fellow-labourer Hermogenes. This general division may be just; but they often trespassed on each other's ground.

‡ Sævola, most probably Q. Cervidius Sævola the master of Papinian, considers this acceptance of fire and water as the essence of marriage (Pandect. l. xxiv. tit. i. leg. 66. See Heineccius, *Hist. J. R.* No. 317.).

performed by turning him round with a gentle blow on the cheek: a work was prohibited by the casting of a stone; prescription was interrupted by the breaking of a branch; the clenched fist was the symbol of a pledge or deposit; the right hand was the gift of faith and confidence. The indenture of covenants was a broken straw; weights and scales were introduced into every payment, and the heir who accepted a testament, was sometimes obliged to snap his fingers, to cast away his garments, and to leap and dance with real or affected transport*. If a citizen pursued any stolen goods into a neighbour's house, he concealed his nakedness with a linen towel, and hid his face with a mask or bason, lest he should encounter the eyes of a virgin or a matron†. In a civil action, the plaintiff touched the ear of his witness, seized his reluctant adversary by the neck, and implored, in solemn lamentation, the aid of his fellow-citizens. The two competitors grasped each other's hand as if they stood prepared for combat before the tribunal of the prætor: he commanded them to produce the object of the dispute; they went, they returned with measured steps, and a clod of earth was cast at his feet to represent the field for which they contended. This occult science of the words and actions of law, was the inheritance of the pontiffs and patricians. Like Chaldean astrologers, they announced to their clients the days of business and repose; these important trifles were interwoven with the religion of Numa; and, after the publication of the twelve tables, the Roman people was still enslaved by the ignorance of judicial proceedings. The treachery of some plebeian officers at length revealed the profitable mystery: in a more enlightened age, the legal actions were derided and observed, and the same antiquity which sanctified the practice, obliterated the use and meaning, of this primitive language‡.

* Cicero (*de Officiis*, iii. 19.) may state an ideal case, but St. Ambrose (*de Officiis*, iii. 2.) appeals to the practice of his own times, which he understood as a lawyer and a magistrate (*Schulting ad Ulpian. Fragment. tit. xxii. No. 28. p. 613, 614.*).

† The *furtum lance licioque conceptum* was no longer understood in the time of the Antonines (*Aulus Gellius*, xvi. 10.). The Attic derivation of *Heineccius* (*Antiquitat. Rom. l. iv. tit. i. No. 15—21.*) is supported by the evidence of *Aristophanes*, his scholiast, and *Pollux*.

‡ In his *Oration for Murena* (c. 9—13.) Cicero turns into ridicule the

A more liberal art was cultivated, however, by the sages of Rome, who, in a stricter sense, may be considered as the authors of the civil law. The alteration of the idiom and manners of the Romans, rendered the style of the twelve tables less familiar to each rising generation, and the doubtful passages were imperfectly explained by the study of legal antiquarians. To define the ambiguities, to circumscribe the latitude, to apply the principles, to extend the consequences, to reconcile the real or apparent contradictions, was a much nobler and more important task; and the province of legislation was silently invaded by the expounders of ancient statutes. Their subtle interpretations concurred with the equity of the prætor, to reform the tyranny of the darker ages: however strange or intricate the means, it was the aim of artificial jurisprudence to restore the simple dictates of nature and reason, and the skill of private citizens was usefully employed to undermine the public institutions of their country. The revolution of almost one thousand years, from the twelve tables to the reign of Justinian, may be divided into three periods almost equal in duration, and distinguished from each other by the mode of instruction and the character of the civilians*. Pride and ignorance contributed, during the first period, to confine within narrow limits the science of the Roman law. On the public days of the market or assembly, the masters of the art were seen walking in the forum, ready to impart the needful advice to the meanest of their fellow-citizens, from whose votes, on a future occasion, they might solicit a

forms and mysteries of the civilians, which are represented with more candour by Aulus Gellius (*Noct. Attic.* xv. 16.), Gravina (*Opp.* p. 265, 266, 267.), and Heineccius (*Antiquitat.* l. iv. tit. vi.).

* The series of the civil lawyers is deduced by Pomponius (*de Origine Juris Pandect.* l. i. tit. ii.). The moderns have discussed, with learning and criticism, this branch of literary history; and among these I have chiefly been guided by Gravina (p. 41—79.) and Heineccius (*Hist. J. R.* No. 113—351.). Cicero, more especially in his books *de Oratore*, *de Claris Oratoribus*, *de Legibus*, and the *Clavis Ciceroniana* of Ernesti (under the names of *Mucius*, &c.) afford much genuine and pleasing information. Horace often alludes to the morning labours of the civilians (*Serm.* l. i. 10. *Epist.* II. i. 103, &c.).

Agricolam laudat juris legumque peritus
Sub galli cantum consultor ubi ostia pulsat.

Romæ dulce diu fuit et solemne, reclusâ
Mane domo vigilare, clienti promere jura.

grateful return. As their years and honours increased, they seated themselves at home on a chair or throne, to expect with patient gravity the visits of their clients, who, at the dawn of day, from the town and country, began to thunder at their door. The duties of social life, and the incidents of judicial proceeding, were the ordinary subject of these consultations, and the verbal or written opinion of the *jurisconsults* was framed according to the rules of prudence and law. The youths of their own order and family were permitted to listen; their children enjoyed the benefit of more private lessons, and the Mucian race was long renowned for the hereditary knowledge of the civil law. The second period, the learned and splendid age of jurisprudence, may be extended from the birth of Cicero to the reign of Severus Alexander. A system was formed, schools were instituted, books were composed, and both the living and the dead became subservient to the instruction of the student. The *tripartite* of Ælius Pætus, surnamed Catus, or the Cunning, was preserved, as the oldest work of jurisprudence. Cato the Censor derived some additional fame from his legal studies, and those of his son: the kindred appellation of Mucius Scævola was illustrated by three sages of the law; but the perfection of the science was ascribed to Servius Sulpicius their disciple, and the friend of Tully; and the long succession, which shone with equal lustre under the republic and under the Cæsars, is finally closed by the respectable characters of Papinian, of Paul, and of Ulpian. Their names, and the various titles of their productions, have been minutely preserved, and the example of Labeo may suggest some idea of their diligence and fecundity. That eminent lawyer of the Augustan age, divided the year between the city and country, between business and composition; and four hundred books are enumerated as the fruit of his retirement. Of the collections of his rival Capito, the two hundred and fifty-ninth book is expressly quoted; and few teachers could deliver their opinions in less than a century of volumes. In the third period, between the reigns of Alexander and Justinian, the oracles of jurisprudence were almost mute. The measure of curiosity had been filled: the throne was occupied by tyrants and Barbarians; the active spirits were diverted by religious

disputes, and the professors of Rome, Constantinople, and Berytus, were humbly content to repeat the lessons of their more enlightened predecessors. From the slow advances and rapid decay of these legal studies, it may be inferred, that they require a state of peace and refinement. From the multitude of voluminous civilians who fill the intermediate space, it is evident, that such studies may be pursued, and such works may be performed, with a common share of judgment, experience, and industry. The genius of Cicero and Virgil was more sensibly felt, as each revolving age had been found incapable of producing a similar or a second: but the most eminent teachers of the law were assured of leaving disciples equal or superior to themselves in merit and reputation.

The jurisprudence which had been grossly adapted to the wants of the first Romans, was polished and improved in the seventh century of the city, by the alliance of Grecian philosophy. The Scævolas had been taught by use and experience; but Servius Sulpicius was the first civilian who established his art on a certain and general theory*. For the discernment of truth and falsehood, he applied, as an infallible rule, the logic of Aristotle and the stoics, reduced particular cases to general principles, and diffused over the shapeless mass, the light of order and eloquence. Cicero, his contemporary and friend, declined the reputation of a professed lawyer; but the jurisprudence of his country was adorned by his incomparable genius, which converts into gold every object that it touches. After the example of Plato, he composed a republic; and, for the use of his republic, a treatise of laws; in which he labours to deduce, from a celestial origin, the wisdom and justice of the Roman constitution. The whole universe, according to his sublime hypothesis, forms one immense commonwealth: *gods and men, who participate of the same essence, are members of the same community; reason prescribes the law of nature and nations; and all positive institutions, however modified

* Crassus, or rather Cicero himself, proposes (*de Oratore*, i. 41, 42.) an idea of the art or science of jurisprudence, which the eloquent, but illiterate, Antonius (i. 58.) affects to deride. It was partly executed by Servius Sulpicius (in *Bruto*, c. 41.), whose praises are elegantly varied in the classic Latin of the Roman Gravina (p. 60.).

by accident or custom, are drawn from the rule of right, which the Deity has inscribed on every virtuous mind. From these philosophical mysteries, he mildly excludes the sceptics who refuse to believe, and the epicureans who are unwilling to act. The latter disdain the care of the republic; he advises them to slumber in their shady gardens. But he humbly intreats that the new academy would be silent, since her bold objections would too soon destroy the firm and well-ordered structure of his lofty system*. Plato, Aristotle, and Zeno, he represents as the only teachers who arm and instruct a citizen for the duties of social life. Of these, the armour of the stoics† was found to be of the firmest temper; and it was chiefly worn, both for use and ornament, in the schools of jurisprudence. From the portico, the Roman civilians learned to live, to reason, and to die: but they imbibed in some degree the prejudices of the sect; the love of paradox, the pertinacious habits of dispute, and a minute attachment to words and verbal distinctions. The superiority of *form* to *matter*, was introduced to ascertain the right of property: and the equality of crimes is countenanced by an opinion of Trebatius‡, that he who touches the ear, touches the whole body; and that he who steals from an heap of corn, or an hog'shead of wine, is guilty of the entire theft§.

Arms, eloquence, and the study of the civil law, promoted a citizen to the honours of the Roman state; and the three professions were sometimes more conspicuous by their union in the same character. In the composition of the edict, a

* *Perturbatricem autem omnium harum rerum academiam, hanc ab Arcesila et Carneade recentem, extremam et sicut non et instructam hanc, quæ satis scite instructa et composita videantur, nimis silet, quàm quidem ego placare cupio, submovere non audeo* (de Legibus, l. 1. c. 1). From this passage alone, Bentley (Remarks on Trebatius, p. 100.) might have learned how firmly Cicerò believed in the philosophical maxims which he has adopted.

† The stoic philosophy was first taught at Rome by Panætios, the friend of the younger Scipio (see his life in the Mem. de l'Académie des Inscriptions, tom. 2. p. 194. n. 10.) and by the Stoic philosopher, Titus Pomponius

‡ As he is quoted by Ulpian (leg. 40. ad Sabulum in Pandect. l. 1. §. 1. tit. 1. leg. 27.). Yet Trebatius, after he was a leading civilian, and had been quaestor, became an epistolarian (Cicero ad Pabulum, l. 1. c. 1. §. 1. c. 2. §. 1. c. 3. §. 1. c. 4. §. 1. c. 5. §. 1. c. 6. §. 1. c. 7. §. 1. c. 8. §. 1. c. 9. §. 1. c. 10. §. 1. c. 11. §. 1. c. 12. §. 1. c. 13. §. 1. c. 14. §. 1. c. 15. §. 1. c. 16. §. 1. c. 17. §. 1. c. 18. §. 1. c. 19. §. 1. c. 20. §. 1. c. 21. §. 1. c. 22. §. 1. c. 23. §. 1. c. 24. §. 1. c. 25. §. 1. c. 26. §. 1. c. 27. §. 1. c. 28. §. 1. c. 29. §. 1. c. 30. §. 1. c. 31. §. 1. c. 32. §. 1. c. 33. §. 1. c. 34. §. 1. c. 35. §. 1. c. 36. §. 1. c. 37. §. 1. c. 38. §. 1. c. 39. §. 1. c. 40. §. 1. c. 41. §. 1. c. 42. §. 1. c. 43. §. 1. c. 44. §. 1. c. 45. §. 1. c. 46. §. 1. c. 47. §. 1. c. 48. §. 1. c. 49. §. 1. c. 50. §. 1. c. 51. §. 1. c. 52. §. 1. c. 53. §. 1. c. 54. §. 1. c. 55. §. 1. c. 56. §. 1. c. 57. §. 1. c. 58. §. 1. c. 59. §. 1. c. 60. §. 1. c. 61. §. 1. c. 62. §. 1. c. 63. §. 1. c. 64. §. 1. c. 65. §. 1. c. 66. §. 1. c. 67. §. 1. c. 68. §. 1. c. 69. §. 1. c. 70. §. 1. c. 71. §. 1. c. 72. §. 1. c. 73. §. 1. c. 74. §. 1. c. 75. §. 1. c. 76. §. 1. c. 77. §. 1. c. 78. §. 1. c. 79. §. 1. c. 80. §. 1. c. 81. §. 1. c. 82. §. 1. c. 83. §. 1. c. 84. §. 1. c. 85. §. 1. c. 86. §. 1. c. 87. §. 1. c. 88. §. 1. c. 89. §. 1. c. 90. §. 1. c. 91. §. 1. c. 92. §. 1. c. 93. §. 1. c. 94. §. 1. c. 95. §. 1. c. 96. §. 1. c. 97. §. 1. c. 98. §. 1. c. 99. §. 1. c. 100. §. 1. c. 101. §. 1. c. 102. §. 1. c. 103. §. 1. c. 104. §. 1. c. 105. §. 1. c. 106. §. 1. c. 107. §. 1. c. 108. §. 1. c. 109. §. 1. c. 110. §. 1. c. 111. §. 1. c. 112. §. 1. c. 113. §. 1. c. 114. §. 1. c. 115. §. 1. c. 116. §. 1. c. 117. §. 1. c. 118. §. 1. c. 119. §. 1. c. 120. §. 1. c. 121. §. 1. c. 122. §. 1. c. 123. §. 1. c. 124. §. 1. c. 125. §. 1. c. 126. §. 1. c. 127. §. 1. c. 128. §. 1. c. 129. §. 1. c. 130. §. 1. c. 131. §. 1. c. 132. §. 1. c. 133. §. 1. c. 134. §. 1. c. 135. §. 1. c. 136. §. 1. c. 137. §. 1. c. 138. §. 1. c. 139. §. 1. c. 140. §. 1. c. 141. §. 1. c. 142. §. 1. c. 143. §. 1. c. 144. §. 1. c. 145. §. 1. c. 146. §. 1. c. 147. §. 1. c. 148. §. 1. c. 149. §. 1. c. 150. §. 1. c. 151. §. 1. c. 152. §. 1. c. 153. §. 1. c. 154. §. 1. c. 155. §. 1. c. 156. §. 1. c. 157. §. 1. c. 158. §. 1. c. 159. §. 1. c. 160. §. 1. c. 161. §. 1. c. 162. §. 1. c. 163. §. 1. c. 164. §. 1. c. 165. §. 1. c. 166. §. 1. c. 167. §. 1. c. 168. §. 1. c. 169. §. 1. c. 170. §. 1. c. 171. §. 1. c. 172. §. 1. c. 173. §. 1. c. 174. §. 1. c. 175. §. 1. c. 176. §. 1. c. 177. §. 1. c. 178. §. 1. c. 179. §. 1. c. 180. §. 1. c. 181. §. 1. c. 182. §. 1. c. 183. §. 1. c. 184. §. 1. c. 185. §. 1. c. 186. §. 1. c. 187. §. 1. c. 188. §. 1. c. 189. §. 1. c. 190. §. 1. c. 191. §. 1. c. 192. §. 1. c. 193. §. 1. c. 194. §. 1. c. 195. §. 1. c. 196. §. 1. c. 197. §. 1. c. 198. §. 1. c. 199. §. 1. c. 200. §. 1. c. 201. §. 1. c. 202. §. 1. c. 203. §. 1. c. 204. §. 1. c. 205. §. 1. c. 206. §. 1. c. 207. §. 1. c. 208. §. 1. c. 209. §. 1. c. 210. §. 1. c. 211. §. 1. c. 212. §. 1. c. 213. §. 1. c. 214. §. 1. c. 215. §. 1. c. 216. §. 1. c. 217. §. 1. c. 218. §. 1. c. 219. §. 1. c. 220. §. 1. c. 221. §. 1. c. 222. §. 1. c. 223. §. 1. c. 224. §. 1. c. 225. §. 1. c. 226. §. 1. c. 227. §. 1. c. 228. §. 1. c. 229. §. 1. c. 230. §. 1. c. 231. §. 1. c. 232. §. 1. c. 233. §. 1. c. 234. §. 1. c. 235. §. 1. c. 236. §. 1. c. 237. §. 1. c. 238. §. 1. c. 239. §. 1. c. 240. §. 1. c. 241. §. 1. c. 242. §. 1. c. 243. §. 1. c. 244. §. 1. c. 245. §. 1. c. 246. §. 1. c. 247. §. 1. c. 248. §. 1. c. 249. §. 1. c. 250. §. 1. c. 251. §. 1. c. 252. §. 1. c. 253. §. 1. c. 254. §. 1. c. 255. §. 1. c. 256. §. 1. c. 257. §. 1. c. 258. §. 1. c. 259. §. 1. c. 260. §. 1. c. 261. §. 1. c. 262. §. 1. c. 263. §. 1. c. 264. §. 1. c. 265. §. 1. c. 266. §. 1. c. 267. §. 1. c. 268. §. 1. c. 269. §. 1. c. 270. §. 1. c. 271. §. 1. c. 272. §. 1. c. 273. §. 1. c. 274. §. 1. c. 275. §. 1. c. 276. §. 1. c. 277. §. 1. c. 278. §. 1. c. 279. §. 1. c. 280. §. 1. c. 281. §. 1. c. 282. §. 1. c. 283. §. 1. c. 284. §. 1. c. 285. §. 1. c. 286. §. 1. c. 287. §. 1. c. 288. §. 1. c. 289. §. 1. c. 290. §. 1. c. 291. §. 1. c. 292. §. 1. c. 293. §. 1. c. 294. §. 1. c. 295. §. 1. c. 296. §. 1. c. 297. §. 1. c. 298. §. 1. c. 299. §. 1. c. 300. §. 1. c. 301. §. 1. c. 302. §. 1. c. 303. §. 1. c. 304. §. 1. c. 305. §. 1. c. 306. §. 1. c. 307. §. 1. c. 308. §. 1. c. 309. §. 1. c. 310. §. 1. c. 311. §. 1. c. 312. §. 1. c. 313. §. 1. c. 314. §. 1. c. 315. §. 1. c. 316. §. 1. c. 317. §. 1. c. 318. §. 1. c. 319. §. 1. c. 320. §. 1. c. 321. §. 1. c. 322. §. 1. c. 323. §. 1. c. 324. §. 1. c. 325. §. 1. c. 326. §. 1. c. 327. §. 1. c. 328. §. 1. c. 329. §. 1. c. 330. §. 1. c. 331. §. 1. c. 332. §. 1. c. 333. §. 1. c. 334. §. 1. c. 335. §. 1. c. 336. §. 1. c. 337. §. 1. c. 338. §. 1. c. 339. §. 1. c. 340. §. 1. c. 341. §. 1. c. 342. §. 1. c. 343. §. 1. c. 344. §. 1. c. 345. §. 1. c. 346. §. 1. c. 347. §. 1. c. 348. §. 1. c. 349. §. 1. c. 350. §. 1. c. 351. §. 1. c. 352. §. 1. c. 353. §. 1. c. 354. §. 1. c. 355. §. 1. c. 356. §. 1. c. 357. §. 1. c. 358. §. 1. c. 359. §. 1. c. 360. §. 1. c. 361. §. 1. c. 362. §. 1. c. 363. §. 1. c. 364. §. 1. c. 365. §. 1. c. 366. §. 1. c. 367. §. 1. c. 368. §. 1. c. 369. §. 1. c. 370. §. 1. c. 371. §. 1. c. 372. §. 1. c. 373. §. 1. c. 374. §. 1. c. 375. §. 1. c. 376. §. 1. c. 377. §. 1. c. 378. §. 1. c. 379. §. 1. c. 380. §. 1. c. 381. §. 1. c. 382. §. 1. c. 383. §. 1. c. 384. §. 1. c. 385. §. 1. c. 386. §. 1. c. 387. §. 1. c. 388. §. 1. c. 389. §. 1. c. 390. §. 1. c. 391. §. 1. c. 392. §. 1. c. 393. §. 1. c. 394. §. 1. c. 395. §. 1. c. 396. §. 1. c. 397. §. 1. c. 398. §. 1. c. 399. §. 1. c. 400. §. 1. c. 401. §. 1. c. 402. §. 1. c. 403. §. 1. c. 404. §. 1. c. 405. §. 1. c. 406. §. 1. c. 407. §. 1. c. 408. §. 1. c. 409. §. 1. c. 410. §. 1. c. 411. §. 1. c. 412. §. 1. c. 413. §. 1. c. 414. §. 1. c. 415. §. 1. c. 416. §. 1. c. 417. §. 1. c. 418. §. 1. c. 419. §. 1. c. 420. §. 1. c. 421. §. 1. c. 422. §. 1. c. 423. §. 1. c. 424. §. 1. c. 425. §. 1. c. 426. §. 1. c. 427. §. 1. c. 428. §. 1. c. 429. §. 1. c. 430. §. 1. c. 431. §. 1. c. 432. §. 1. c. 433. §. 1. c. 434. §. 1. c. 435. §. 1. c. 436. §. 1. c. 437. §. 1. c. 438. §. 1. c. 439. §. 1. c. 440. §. 1. c. 441. §. 1. c. 442. §. 1. c. 443. §. 1. c. 444. §. 1. c. 445. §. 1. c. 446. §. 1. c. 447. §. 1. c. 448. §. 1. c. 449. §. 1. c. 450. §. 1. c. 451. §. 1. c. 452. §. 1. c. 453. §. 1. c. 454. §. 1. c. 455. §. 1. c. 456. §. 1. c. 457. §. 1. c. 458. §. 1. c. 459. §. 1. c. 460. §. 1. c. 461. §. 1. c. 462. §. 1. c. 463. §. 1. c. 464. §. 1. c. 465. §. 1. c. 466. §. 1. c. 467. §. 1. c. 468. §. 1. c. 469. §. 1. c. 470. §. 1. c. 471. §. 1. c. 472. §. 1. c. 473. §. 1. c. 474. §. 1. c. 475. §. 1. c. 476. §. 1. c. 477. §. 1. c. 478. §. 1. c. 479. §. 1. c. 480. §. 1. c. 481. §. 1. c. 482. §. 1. c. 483. §. 1. c. 484. §. 1. c. 485. §. 1. c. 486. §. 1. c. 487. §. 1. c. 488. §. 1. c. 489. §. 1. c. 490. §. 1. c. 491. §. 1. c. 492. §. 1. c. 493. §. 1. c. 494. §. 1. c. 495. §. 1. c. 496. §. 1. c. 497. §. 1. c. 498. §. 1. c. 499. §. 1. c. 500. §. 1. c. 501. §. 1. c. 502. §. 1. c. 503. §. 1. c. 504. §. 1. c. 505. §. 1. c. 506. §. 1. c. 507. §. 1. c. 508. §. 1. c. 509. §. 1. c. 510. §. 1. c. 511. §. 1. c. 512. §. 1. c. 513. §. 1. c. 514. §. 1. c. 515. §. 1. c. 516. §. 1. c. 517. §. 1. c. 518. §. 1. c. 519. §. 1. c. 520. §. 1. c. 521. §. 1. c. 522. §. 1. c. 523. §. 1. c. 524. §. 1. c. 525. §. 1. c. 526. §. 1. c. 527. §. 1. c. 528. §. 1. c. 529. §. 1. c. 530. §. 1. c. 531. §. 1. c. 532. §. 1. c. 533. §. 1. c. 534. §. 1. c. 535. §. 1. c. 536. §. 1. c. 537. §. 1. c. 538. §. 1. c. 539. §. 1. c. 540. §. 1. c. 541. §. 1. c. 542. §. 1. c. 543. §. 1. c. 544. §. 1. c. 545. §. 1. c. 546. §. 1. c. 547. §. 1. c. 548. §. 1. c. 549. §. 1. c. 550. §. 1. c. 551. §. 1. c. 552. §. 1. c. 553. §. 1. c. 554. §. 1. c. 555. §. 1. c. 556. §. 1. c. 557. §. 1. c. 558. §. 1. c. 559. §. 1. c. 560. §. 1. c. 561. §. 1. c. 562. §. 1. c. 563. §. 1. c. 564. §. 1. c. 565. §. 1. c. 566. §. 1. c. 567. §. 1. c. 568. §. 1. c. 569. §. 1. c. 570. §. 1. c. 571. §. 1. c. 572. §. 1. c. 573. §. 1. c. 574. §. 1. c. 575. §. 1. c. 576. §. 1. c. 577. §. 1. c. 578. §. 1. c. 579. §. 1. c. 580. §. 1. c. 581. §. 1. c. 582. §. 1. c. 583. §. 1. c. 584. §. 1. c. 585. §. 1. c. 586. §. 1. c. 587. §. 1. c. 588. §. 1. c. 589. §. 1. c. 590. §. 1. c. 591. §. 1. c. 592. §. 1. c. 593. §. 1. c. 594. §. 1. c. 595. §. 1. c. 596. §. 1. c. 597. §. 1. c. 598. §. 1. c. 599. §. 1. c. 600. §. 1. c. 601. §. 1. c. 602. §. 1. c. 603. §. 1. c. 604. §. 1. c. 605. §. 1. c. 606. §. 1. c. 607. §. 1. c. 608. §. 1. c. 609. §. 1. c. 610. §. 1. c. 611. §. 1. c. 612. §. 1. c. 613. §. 1. c. 614. §. 1. c. 615. §. 1. c. 616. §. 1. c. 617. §. 1. c. 618. §. 1. c. 619. §. 1. c. 620. §. 1. c. 621. §. 1. c. 622. §. 1. c. 623. §. 1. c. 624. §. 1. c. 625. §. 1. c. 626. §. 1. c. 627. §. 1. c. 628. §. 1. c. 629. §. 1. c. 630. §. 1. c. 631. §. 1. c. 632. §. 1. c. 633. §. 1. c. 634. §. 1. c. 635. §. 1. c. 636. §. 1. c. 637. §. 1. c. 638. §. 1. c. 639. §. 1. c. 640. §. 1. c. 641. §. 1. c. 642. §. 1. c. 643. §. 1. c. 644. §. 1. c. 645. §. 1. c. 646. §. 1. c. 647. §. 1. c. 648. §. 1. c. 649. §. 1. c. 650. §. 1. c. 651. §. 1. c. 652. §. 1. c. 653. §. 1. c. 654. §. 1. c. 655. §. 1. c. 656. §. 1. c. 657. §. 1. c. 658. §. 1. c. 659. §. 1. c. 660. §. 1. c. 661. §. 1. c. 662. §. 1. c. 663. §. 1. c. 664. §. 1. c. 665. §. 1. c. 666. §. 1. c. 667. §. 1. c. 668. §. 1. c. 669. §. 1. c. 670. §. 1. c. 671. §. 1. c. 672. §. 1. c. 673. §. 1. c. 674. §. 1. c. 675. §. 1. c. 676. §. 1. c. 677. §. 1. c. 678. §. 1. c. 679. §. 1. c. 680. §. 1. c. 681. §. 1. c. 682. §. 1. c. 683. §. 1. c. 684. §. 1. c. 685. §. 1. c. 686. §. 1. c. 687. §. 1. c. 688. §. 1. c. 689. §. 1. c. 690. §. 1. c. 691. §. 1. c. 692. §. 1. c. 693. §. 1. c. 694. §. 1. c. 695. §. 1. c. 696. §. 1. c. 697. §. 1. c. 698. §. 1. c. 699. §. 1. c. 700. §. 1. c. 701. §. 1. c. 702. §. 1. c. 703. §. 1. c. 704. §. 1. c. 705. §. 1. c. 706. §. 1. c. 707. §. 1. c. 708. §. 1. c. 709. §. 1. c. 710. §. 1. c. 711. §. 1. c. 712. §. 1. c. 713. §. 1. c. 714. §. 1. c. 715. §. 1. c. 716. §. 1. c. 717. §. 1. c. 718. §. 1. c. 719. §. 1. c. 720. §. 1. c. 721. §. 1. c. 722. §. 1. c. 723. §. 1. c. 724. §. 1. c. 725. §. 1. c. 726. §. 1. c. 727. §. 1. c. 728. §. 1. c. 729. §. 1. c. 730. §. 1. c. 731. §. 1. c. 732. §. 1. c. 733. §. 1. c. 734. §. 1. c. 735. §. 1. c. 736. §. 1. c. 737. §. 1. c. 738. §. 1. c. 739. §. 1. c. 740. §. 1. c. 741. §. 1. c. 742. §. 1. c. 743. §. 1. c. 744. §. 1. c. 745. §. 1. c. 746. §. 1. c. 747. §. 1. c. 748. §. 1. c. 749. §. 1. c. 750. §. 1. c. 751. §. 1. c. 752. §. 1. c. 753. §. 1. c. 754. §. 1. c. 755. §. 1. c. 756. §. 1. c. 757. §. 1. c. 758. §. 1. c. 759. §. 1. c. 760. §. 1. c. 761. §. 1. c. 762. §. 1. c. 763. §. 1. c. 764. §. 1. c. 765. §. 1. c. 766. §. 1. c. 767. §. 1. c. 768. §. 1. c. 769. §. 1. c. 770. §. 1. c. 771. §. 1. c. 772. §. 1. c. 773. §. 1. c. 774. §. 1. c. 775. §. 1. c. 776. §. 1. c. 777. §. 1. c. 778. §. 1. c. 779. §. 1. c. 780. §. 1. c. 781. §. 1. c. 782. §. 1. c. 783. §. 1. c. 784. §. 1. c. 785. §. 1. c. 786. §. 1. c. 787. §. 1. c. 788. §. 1. c. 789. §. 1. c. 790. §. 1. c. 791. §. 1. c. 792. §. 1. c. 793. §. 1. c. 794. §. 1. c. 795. §. 1. c. 796. §. 1. c. 797. §. 1. c. 798. §. 1. c. 799. §. 1. c. 800. §. 1. c. 801. §. 1. c. 802. §. 1. c. 803. §. 1. c. 804. §. 1. c. 805. §. 1. c. 806. §. 1. c. 807. §. 1. c. 808. §. 1. c. 809. §. 1. c. 810. §. 1. c. 811. §. 1. c. 812. §. 1. c. 813. §. 1. c. 814. §. 1. c. 815. §. 1. c. 816. §. 1. c. 817. §. 1. c. 818. §. 1. c. 819. §. 1. c. 820. §. 1. c. 821. §. 1. c. 822. §. 1. c. 823. §. 1. c. 824. §. 1. c. 825. §. 1. c. 826. §. 1. c. 827. §. 1. c. 828. §. 1. c. 829. §. 1. c. 830. §. 1. c. 831. §. 1. c. 832. §. 1. c. 833. §. 1. c. 834. §. 1. c. 835. §. 1. c. 836. §. 1. c. 837. §. 1. c. 838. §. 1. c. 839. §. 1. c. 840. §. 1. c. 841. §. 1. c. 842. §. 1. c. 843. §. 1. c. 844. §. 1. c. 845. §. 1. c. 846. §. 1. c. 847. §. 1. c. 848. §. 1. c. 849. §. 1. c. 850. §. 1. c. 851. §. 1. c. 852. §. 1. c. 853. §. 1. c. 854. §. 1. c. 855. §. 1. c. 856. §. 1. c. 857. §. 1. c. 858. §. 1. c. 859. §. 1. c. 860. §. 1. c. 861. §. 1. c. 862. §. 1. c. 863. §. 1. c. 864. §. 1. c. 865. §. 1. c. 866. §. 1. c. 867. §. 1. c. 868. §. 1. c. 869. §. 1. c. 870. §. 1. c. 871. §. 1. c. 872. §. 1. c. 873. §. 1. c. 874. §. 1. c. 875. §. 1. c. 876. §. 1. c. 877. §. 1. c. 878. §. 1. c. 879. §. 1. c. 880. §. 1. c. 881. §. 1. c. 882. §. 1. c. 883. §. 1. c. 884. §. 1. c. 885. §. 1. c. 886. §. 1. c. 887. §. 1. c. 888. §. 1. c. 889. §. 1. c. 890. §. 1. c. 891. §. 1. c. 892. §. 1. c. 893. §. 1. c. 894. §. 1. c. 895. §. 1. c. 896. §. 1. c. 897. §. 1. c. 898. §. 1. c. 899. §. 1. c. 900. §. 1. c. 901. §. 1. c. 902. §. 1. c. 903. §. 1. c. 904. §. 1. c. 905. §. 1. c. 906. §. 1. c. 907. §. 1. c. 908. §. 1. c. 909. §. 1. c. 910. §. 1. c. 911. §. 1. c. 912. §. 1. c. 913. §. 1. c. 914. §. 1. c. 915. §. 1. c. 916. §. 1. c. 917. §. 1. c. 918. §. 1. c. 919. §. 1. c. 920. §. 1. c. 921. §. 1. c. 922. §. 1. c. 923. §. 1. c. 924. §. 1. c. 925. §. 1. c. 926. §. 1. c. 927. §. 1. c. 928. §. 1. c. 929. §. 1. c. 930. §. 1. c. 931. §. 1. c. 932. §. 1. c. 933. §. 1. c. 934. §. 1. c. 935. §. 1. c. 936. §. 1. c. 937. §. 1. c. 938. §. 1. c. 939. §. 1. c. 940. §. 1. c. 941. §. 1. c. 942. §. 1. c. 943. §. 1. c. 944. §. 1. c. 945. §. 1. c. 946. §. 1. c. 947. §. 1. c. 948. §. 1. c. 949. §. 1. c. 950. §. 1. c. 951. §. 1. c. 952. §. 1. c. 953. §. 1. c. 954. §. 1. c. 955. §. 1. c. 956. §. 1. c. 957. §. 1. c. 958. §. 1. c. 959. §. 1. c. 960. §. 1. c. 961. §. 1. c. 962. §. 1. c. 963. §. 1. c. 964. §. 1. c. 965. §. 1. c. 966. §. 1. c. 967.

learned prætor gave a sanction and preference to his private sentiments: the opinion of a censor, or a consul, was entertained with respect; and a doubtful interpretation of the laws might be supported by the virtues or triumphs of the civilian. The patrician arts were long protected by the veil of mystery; and in more enlightened times, the freedom of inquiry established the general principles of jurisprudence. Subtle and intricate cases were elucidated by the disputes of the forum: rules, axioms, and definitions*, were admitted as the genuine dictates of reason; and the consent of the legal professors was interwoven into the practice of the tribunals. But these interpreters could neither enact nor execute the laws of the republic; and the judges might disregard the authority of the *Scævolas* themselves, which was often overthrown by the eloquence or sophistry of an ingenious pleader†. Augustus and Tiberius were the first to adopt, as an useful engine, the science of the civilians; and their servile labours accommodated the old system to the spirit and views of despotism. Under the fair pretence of securing the dignity of the art, the privilege of subscribing legal and valid opinions was confined to the sages of senatorian or equestrian rank, who had been previously approved by the judgment of the prince; and this monopoly prevailed, till Hadrian restored the freedom of the profession to every citizen conscious of his abilities and knowledge. The discretion of the prætor was now governed by the lessons of his teachers; the judges were enjoined to obey the comment as well as the text of the law; and the use of codicils was a memorable innovation, which Augustus ratified by the advice of the civilians‡.

The most absolute mandate could only require that the judges should agree with the civilians, if the civilians agreed among themselves. But positive institutions are often the

* We have heard of the Catonian rule, the Aquilian stipulation, and the Manilian forms, of 211 maxims, and of 247 definitions (*Pandect. l. l. tit. xvi, xvii.*).

† Read Cicero, *l. i. de Oratore, Topica, pro Murena.*

‡ See Pomponius (*de Origine Juris Pandect. l. i. tit. ii. leg. 2. No. 42.*), Heinsecius (*ad Institut. l. i. tit. ii. No. 8. l. ii. tit. xxx. in Element. Antiquitat.*), and Grævius (*p. 41—45.*). Yet the monopoly of Augustus, in such measure, would appear with some softening in the contemporary evidence; and it was probably veiled by a decree of the senate.

result of custom and prejudice; laws and language are ambiguous and arbitrary; where reason is incapable of pronouncing, the love of argument is inflamed by the envy of rivals, the vanity of masters, the blind attachment of their disciples; and the Roman jurisprudence was divided by the once famous sects of the *Proculians* and *Sabinians**. Two sages of the law, Ateius Capito and Antistius Labeo†, adorned the peace of the Augustan age: the former distinguished by the favour of his sovereign; the latter more illustrious by his contempt of that favour, and his stern though harmless opposition to the tyrant of Rome. Their legal studies were influenced by the various colours of their temper and principles. Labeo was attached to the form of the old republic; his rival embraced the more profitable substance of the rising monarchy. But the disposition of a courtier is tame and submissive; and Capito seldom presumed to deviate from the sentiments, or at least from the words, of his predecessors: while the bold republican pursued his independent ideas without fear of paradox or innovations. The freedom of Labeo was enslaved, however, by the rigour of his own conclusions, and he decided according to the letter of the law, the same questions which his indulgent competitor resolved with a latitude of equity more suitable to the common sense and feelings of mankind. If a fair exchange had been substituted to the payment of money, Capito still considered the transaction as a legal sale‡; and he consulted nature for the age of puberty, without confining his definition to the precise period of twelve or fourteen years§. This opposition of sentiments was propagated

* I have perused the Diatribe of Gotfridus Mascovius, the learned Mascou, de Sectis Jurisconsultorum (Lipsiæ, 1728, in 12mo. p. 276.), a learned treatise on a narrow and barren ground.

† See the character of Antistius Labeo in Tacitus (Annal. ii. 75.) and in an epistle of Ateius Capito (Aul. Gellius, xiii. 19.), who accuses his rival of *libertas nimia et vecors*. Yet Horace would not have lashed a virtuous and respectable senator; and I must adopt the emendation of Bentley, who reads *Labeo* instead of *Serius* (Serin. l. iii. 82.). See Mascou, de Sectis (c. 1. p. 1—24.).

‡ Justinian (Institut. l. iii. tit. xxiii. and Theophil. Verz. Græc. p. 677, 680.) has commemorated this weighty dispute, and the verses of Horace that were alleged on either side as legal authorities. It was decided by Paul (leg. 83. ad Edict. in Pandect. l. xviii. tit. i. leg. 1.) since, in a simple exchange, the buyer could not be discriminated from the seller.

§ This controversy was likewise given for the *Proculians*, to temper the indecency of a search, and to comply with the aphorism of Hypocritæ,

in the writings and lessons of the two founders; the schools of Capito and Labeo maintained their inveterate conflict from the age of Augustus to that of Hadrian*; and the two sects derived their appellations from Subinus and Proculus, their most celebrated teachers. The names of *Cassians* and *Pegasians* were likewise applied to the same parties; but, by a strange reverse, the popular cause was in the hands of Pegasus†, a timid slave of Domitian, while the favourite of the Cæsars was represented by Cassius‡; who gloried in his descent from the patriot assassin. By the perpetual edict, the controversies of the sects were in a great measure determined. For that important work, the emperor Hadrian preferred the chief of the Sabinians: the friends of monarchy prevailed; but the moderation of Salvius Julian insensibly reconciled the victors and the vanquished. Like the contemporary philosophers, the lawyers of the age of the Antonines disclaimed the authority of a master, and adopted from every system the most probable doctrines§. But their writings would have been less voluminous, had their choice been more unanimous. The conscience of the judge was perplexed by the number and weight of discordant testimonies, and every sentence that his passion or interest might pronounce, was justified by the sanction of some venerable name. An indulgent edict of the younger Theodosius excused him from the labour of comparing and weighing their arguments. Five civilians, Caius, Papinian, Paul, Ulpian, and Modestinus, were established as the oracles of jurisprudence: a majority was decisive; but

who was attached to the septenary number of two weeks of years, or 700 of days (Institut. l. i. tit. xxii.). Plutarch and the stoics (de Placit. Philosoph. l. v. c. 24.) assign a more natural reason. Fourteen years is the age—*ἡλικία ἢ ἐστασιαστικὸς χρόνιος ὄψος*. See the *vestigia* of the sects in Mascou, c. ix. p. 145—276.

* The series and conclusion of the sects are described by Mascou (c. ii. vii. p. 24—120.), and it would be almost ridiculous to praise his equal justice to these obsolete sects.

† At the first summons he flies to the turbot council; yet Juvenal (Satir. ix. 75—81.) styles the prefect or *baileff* of Rome *sacrosanctus legum interpretes*. From his science, says the old scholiast, he was called, not a man, but a book. He derived the singular name of Pegasus from the galley which his father commanded.

‡ Tacit. Annal. xvii. 7. Sueton. in Nerone, c. xxxvii.

§ Mascou, de Sectis, c. viii. p. 120—144. de Hieracupis, a legal term which was applied to these eclectic lawyers: *hieracupis* is synonymous to *adversarius*.

If their opinions were equally divided, a casting vote was ascribed to the superior wisdom of Papinian*.

When Justinian ascended the throne, the reformation of the Roman jurisprudence was an arduous but indispensable task. In the space of ten centuries, the infinite variety of laws and legal opinions had filled many thousand volumes, which no fortune could purchase and no capacity could digest. Books could not easily be found; and the judges, poor in the midst of riches, were reduced to the exercise of their illiterate discretion. The subjects of the Greek provinces were ignorant of the language that disposed of their lives and properties; and the *barbarous* dialect of the Latins was imperfectly studied in the academies of Berytus and Constantinople. As an Illyrian soldier, that idiom was familiar to the infancy of Justinian; his youth had been instructed by the lessons of jurisprudence, and his Imperial choice selected the most learned civilians of the East, to labour with their sovereign in the work of reformation†. The theory of professors was assisted by the practice of advocates, and the experience of magistrates; and the whole undertaking was animated by the spirit of Tribonian‡. This extraordinary man, the object of so much praise and censure, was a native of Side in Pamphylia; and his genius, like that of Bacon, embraced, as his own, all the business and knowledge of the age. Tribonian composed, both in

* See the Theodosian Code, l. i. tit. iv. with Godefroy's Commentary, tom. i. p. 30—35. This decree might give occasion to Jesuitical disputes like those in the *Lettres Provinciales*, whether a judge was obliged to follow the opinion of Papinian, or of a majority, against his judgement, against his conscience, &c. Yet a legislator might give that opinion, however false, the validity, not of truth, but of law.

† For the legal labours of Justinian, I have studied the preface to the Institutes, the 1st, 2d, and 3d Prefaces to the Pandects; the 1st and 2d Preface to the Code; and the Code itself (l. i. tit. xvii. de Veteri Jure enucleando). After these original testimonies, I have consulted, among the moderns, Heineccius (*Hist. J. R.* No. 383—404.), Termon (*Hist. de la Jurisprudence Romaine*, p. 295—356.), Graving (*Opp.* p. 93—100.), and Ludewig, in his life of Justinian (p. 19—20, 218—221: for the Code and Novels, p. 200—221.; for the Digest or Pandects, p. 262—317.).

‡ For the character of Tribonian, see the testimonies of Præpositus (*Persic. l. i. c. 23, 24. Anecdotes. c. 13. 20.*) and Suidas (tom. iii. p. 201 edn. Guster). Ludewig (in *Vit. Justinian.* p. 175—209.) works hard, to white-wash—the black-a-moor.

prose and verse, on a strange diversity of curious and abstruse subjects*: a double panegyric of Justinian and the life of the philosopher Theodotus; the nature of happiness and the duties of government; Homer's catalogue and the four-and-twenty sorts of metre; the astronomical canon of Ptolemy; the changes of the months; the houses of the planets; and the harmonic system of the world. To the literature of Greece he added the use of the Latin tongue; the Roman civilians were deposited in his library and in his mind; and he most assiduously cultivated those arts which opened the road of wealth and preferment. From the bar of the prætorian præfects, he raised himself to the honours of quæstor, of consul, and of master of the offices: the council of Justinian listened to his eloquence and wisdom, and envy was mitigated by the gentleness and affability of his manners. The reproaches of impiety and avarice have stained the virtues or the reputation of Tribonian. In a bigotted and persecuting court, the principal minister was accused of a secret aversion to the Christian faith, and was supposed to entertain the sentiments of an Atheist and a Pagan, which have been imputed, inconsistently enough, to the last philosophers of Greece. His avarice was more clearly proved and more sensibly felt. If he were swayed by gifts in the administration of justice, the example of Bacon will again occur; nor can the merit of Tribonian atone for his baseness, if he degraded the sanctity of his profession; and if laws were every day enacted, modified, or repealed, for the base consideration of his private emolument. In the sedition of Constantinople, his removal was granted to the clamours, perhaps to the just indignation, of the people; but the quæstor was speedily restored, and till the hour of his death, he possessed, above twenty years, the favour and confidence of the emperor. His passive and dutiful submission has been honoured with the praise of Justinian himself, whose vanity was incapable of discerning how often that submission degenerated into the grossest

* I apply the two passages of Suidas to the same man; every circumstance so exactly tallies. Yet the lawyers appear ignorant; and Fabricius is inclined to separate the two characters (Bibliot. Græc. tom. i. p. 341. ii. p. 518. iii. p. 418. xii. p. 346. 358. 474.).

adulation. Tribonian adored the virtues of his gracious master: the earth was unworthy of such a prince; and he affected a pious fear, that Justinian, like Elijah or Romulus, would be snatched into the air, and translated alive to the mansions of celestial glory.*

If Cæsar had achieved the reformation of the Roman law, his creative genius, enlightened by reflection and study, would have given to the world a pure and original system of jurisprudence. Whatever flattery might suggest, the emperor of the East was afraid to establish his private judgment as the standard of equity; in the possession of legislative power, he borrowed the aid of time and opinion; and his laborious compilations are guarded by the sages and legislators of past times. Instead of a statue cast in a simple mould by the hand of an artist, the works of Justinian represent a tessellated pavement of antique and costly, but too often of incoherent fragments. In the first year of his reign, he directed the faithful Tribonian, and nine learned associates, to revise the ordinances of his predecessors, as they were contained, since the time of Hadrian, in the Gregorian, Hermogenian, and Theodosian codes; to purge the errors and contradictions, to retrench whatever was obsolete or superfluous, and to select the wise and salutary laws best adapted to the practice of the tribunals and the use of his subjects. The work was accomplished in fourteen months; and the twelve books or *tables*, which the new decemvirs produced, might be designed to imitate the labours of their Roman predecessors. The new code of Justinian was honoured with his name, and confirmed by his royal signature: authentic transcripts were multiplied by the pens of notaries and scribes; they were transmitted to the magistrates of the European, the Asiatic, and afterwards the

* This story is related by Hesychius (de Viris Illustribus), Procopius (Anecd. c. 13.), and Suidas (tom. iii. p. 501.). Such flattery is in-
 creased by the following Latin maxim.

—Nihil est quod credere de se

Non potest, cum laudatur Diis æqua potestas.

Fontenelle (tom. i. p. 32—39.) has ridiculed the impudence of the modest Virgil. But the same Fontenelle places his king above the divine Augustus; and the sage Boileau has not blushed to say, "Le despotisme des yeux n'aeroit balancer." Yet neither Augustus nor Louis XIV. were fools.

African provinces; and the law of the empire was proclaimed on solemn festivals at the doors of churches. A more arduous operation was still behind: to extract the spirit of jurisprudence from the decisions and conjectures, the questions and disputes, of the Roman civilians. Seventeen lawyers, with Tribonian at their head, were appointed by the emperor to exercise an absolute jurisdiction over the works of their predecessors. If they had obeyed his commands in ten years, Justinian would have been satisfied with their diligence; and the rapid composition of the DIGEST or PANDECTS*, in three years, will deserve praise or censure, according to the merit of the execution. From the library of Tribonian, they chose forty, the most eminent civilians of former times†: two thousand treatises were comprised in an abridgment of fifty books; and it has been carefully recorded, that three millions of lines or sentences‡, were reduced, in this abstract, to the moderate number of one hundred and fifty thousand. The edition of this great work was delayed a month after that of the INSTITUTES; and it seemed reasonable that the elements should precede the digest of the Roman law. As soon as the emperor had approved their labours, he ratified, by his legislative power, the speculations of these private citizens; their commentaries on the twelve tables, the perpetual edict, the laws of the people, and the decrees of the

* Πανδέκτας (general receivers) was a common title of the Greek miscellanies (Plin. Præfat. ad Hist. Natur.). The *Digesta* of Scævola, Marcellinus, Celsus, were already familiar to the civilians: but Justinian was in the wrong when he used the two appellations as synonymous. Is the word *Pandects* Greek or Latin—masculine or feminine? The diligent Breuckman will not presume to decide these momentous controversies (Hist. Pandect. Florentin. p. 300—304.).

† Angelus Politianus (l. v. Epist. ult.) reckons thirty-seven (p. 192—200.) civilians quoted in the Pandects—a learned, and, for his time, an extraordinary list. The Greek Index to the Pandects enumerates thirty-nine; and forty are produced by the indefatigable Fabricius (Bibliot. Græc. tom. iii. p. 489—502.). Antoninus Augustus (de Nominibus Propriis. Pandect. apud Ludewig. p. 255.) is said to have added fifty-four names; but they must be vague or second-hand references.

‡ The *Στοιχ* of the ancient MSS. may be strictly defined as sentences or periods of a complete sense, which, on the breadth of the parchment rolls or volumes, composed as many lines of unequal length. The number of *Στοιχ* in each book served as a check on the error of the scribe (Ludewig. p. 211—215. and his original author Suicer. Theol. Ecclesiast. tom. i. p. 1021—1036.).

senate, succeeded to the authority of the text; and the text was abandoned, as an useless, though venerable, relic of antiquity. The *Code*, the *Pandects*, and the *Institutes*, were declared to be the legitimate system of civil jurisprudence; they alone were admitted in the tribunals, and they alone were taught in the academies of Rome, Constantinople, and Berytus. Justinian addressed to the senate and provinces, his *eternal oracles*; and his pride, under the mask of piety, ascribed the consummation of this great design to the support and inspiration of the Deity.

Since the emperor declined the fame and envy of original composition, we can only require at his hands, method, choice, and fidelity, the humble, though indispensable, virtues of a compiler. Among the various combinations of ideas, it is difficult to assign any reasonable preference; but as the order of Justinian is different in his three works, it is possible that all may be wrong; and it is certain that two cannot be right. In the selection of ancient laws, he seems to have viewed his predecessors without jealousy, and with equal regard: the series could not ascend above the reign of Hadrian, and the narrow distinction of Paganism and Christianity, introduced by the superstition of Theodosius, had been abolished by the consent of mankind. But the jurisprudence of the *Pandects* is circumscribed within a period of an hundred years, from the perpetual edict to the death of Severus Alexander: the civilians who lived under the first Cæsars, are seldom permitted to speak, and only three names can be attributed to the age of the republic. The favourite of Justinian (it has been fiercely urged) was fearful of encountering the light of freedom and the gravity of Roman sages. Tribonian condemned to oblivion the genuine and native wisdom of Cato, the Scævolas, and Sulpicius; while he invoked spirits more congenial to his own, the Syrians, Greeks, and Africans, who flocked to the Imperial court to study Latin as a foreign tongue, and jurisprudence as a lucrative profession. But the ministers of Justinian* were instructed to labour, not for the curiosity

* An ingenious and learned oration of Schultingius (*Jurisprudentia Ante-Justiniana*, p. 888—907.) justifies the choice of Tribonian, against the passionate charges of Francis Hottoman and his sectaries.

of antiquarians, but for the immediate benefit of his subjects. It was their duty to select the useful and practical parts of the Roman law; and the writings of the old republicans, however curious or excellent, were no longer suited to the new system of manners, religion, and government. Perhaps, if the preceptors and friends of Cicero were still alive, our candour would acknowledge, that, except in purity of language*, their intrinsic merit was excelled by the school of Papinian and Ulpian. The science of the laws is the slow growth of time and experience, and the advantage both of method and materials, is naturally assumed by the most recent authors. The civilians of the reign of the Antonines had studied the works of their predecessors: their philosophic spirit had mitigated the rigour of antiquity, simplified the forms of proceeding, and emerged from the jealousy and prejudice of the rival sects. The choice of the authorities that compose the Pandects, depended on the judgment of Tribonian: but the power of his sovereign could not absolve him from the sacred obligations of truth and fidelity. As the legislator of the empire, Justinian might repeal the acts of the Antonines, or condemn, as seditious, the free principles, which were maintained by the last of the *Roman* lawyers†. But the existence of past facts is placed beyond the reach of despotism; and the emperor was guilty of fraud and forgery, when he corrupted the integrity of their text, inscribed with their venerable names the words and ideas of his servile reign‡, and suppressed, by the hand of power, the pure and authentic copies of

* Strip away the crust of Tribonian, and allow for the use of technical words, and the Latin of the Pandects will be found not unworthy of the *silver* age. It has been vehemently attacked by Laurentius Villa, a fastidious grammarian of the xvth century, and by his apologist Florinus Sabinus. It has been defended by Alciat and a nameless advocate (most probably James Capellus). Their various treatises are collected by Duker (*Opuscula de Latinitate veterum Jurisconsultorum*, Lugd. Bat. 1721, in 2mo.).

† *Nomina quidem veteribus servavimus, legum autem veritatem nostram fecimus. Itaque siquid erat in illis seditiosum, multa autem talia erant tibi reposita, hoc decisum est et definitum, et in perspicuum finem deducta est quaque lex* (Cod. Justinian. l. i. tit. xvii. leg. 3. No. 10.). A frank confession!

‡ The number of these *emblemata* (a polite name for forgeries) is much reduced by Bynkershoek (in the iv last books of his observations), who poorly maintains the right of Justinian and the duty of Tribonian.

their sentiments. The changes and interpolations, of Tribonian and his colleagues are excused by the pretence of uniformity: but their cares have been insufficient, and the *antinomies*, or contradictions of the Code and Pandects, still exercise the patience and subtlety of modern civilians*.

A rumour devoid of evidence has been propagated by the enemies of Justinian; that the jurisprudence of ancient Rome was reduced to ashes by the author of the Pandects, from the vain persuasion, that it was now either false or superfluous. Without usurping an office so invidious, the emperor might safely commit to ignorance and time the accomplishment of this destructive wish. Before the invention of printing and paper, the labour and the materials of writing could be purchased only by the rich; and it may reasonably be computed, that the price of books was an hundred fold their present value†. Copies were slowly multiplied and cautiously renewed: the hopes of profit tempted the sacrilegious scribes to erase the characters of antiquity, and Sophocles or Tacitus were obliged to resign the parchment to missals, homilies, and the golden legend‡. If such was the fate of the most beautiful compositions of genius, what stability could be expected for the dull and barren works of an obsolete science? The books of jurisprudence were interesting to few, and entertaining to none: their value was connected with present use, and they sunk for ever as soon as that use was superseded by the innovations of fashion, superior merit, or public authority. In the age of peace and learning, between Cicero and the last of the Antonines, many losses had been already sustained, and some luminaries of the school,

* The *antinomies*, or opposite laws of the Code and Pandects, are sometimes the cause, and often the excuse, of the glorious uncertainty of the civil law, which so often affords what Montaigne calls "*Questions pour l'Ami.*" See a fine passage of Franciscus Balduinus in Justinian (l. ii. p. 259, &c. apud Ludewig, p. 305, 306.).

† When Fust, or Faustus, sold at Paris his first printed bibles as manuscripts, the price of a parchment copy was reduced from four or five hundred to sixty, fifty, and forty crowns. The public was at first pleased with the cheapness, and at length provoked by the discovery of the fraud (Maittaire, *Annal. Typograph.* tom. i. p. 12.; first edition).

‡ This execrable practice prevailed from the viiith, and more especially from the xliith, century, when it became almost universal (Mouton, in the *Memoires de l'Academie*, tom. vi. p. 606, &c. *Bibliothèque Raisonnée de la Diplomatique*, tom. i. p. 176.).

or forum, were known only to the curious by tradition and report. Three hundred and sixty years of disorder and decay accelerated the progress of oblivion; and it may fairly be presumed, that of the writings, which Justinian is accused of neglecting, many were no longer to be found in the libraries of the East*. The copies of Papinian or Ulpian, which the reformer had proscribed, were deemed unworthy of future notice; the twelve tables and prætorian edict insensibly vanished, and the monuments of ancient Rome were neglected or destroyed by the envy and ignorance of the Greeks. Even the Pandects themselves have escaped with difficulty and danger from the common shipwreck, and criticism has pronounced, that *all* the editions and manuscripts of the West are derived from *one* original†. It was transcribed at Constantinople in the beginning of the seventh century‡, was successively transported by the accidents of war and commerce to Amalphi§, Pisa||, and

* Pomponius (Pandect. l. i. tit. ii. leg. 2.) observes, that of the three founders of the civil law, Mucius, Brutus, and Manilius, extant volumina, scripta Manilii monumenta; that of some old republican lawyers, hæc versantur eorum scripta inter manus hominum. Eight of the Augustan sages were reduced to a compendium: of Cascellius, scripta non extant sed unus liber, &c.; of Trebatius, minus frequentantur; of Tubero, libri parum grati sunt. Many quotations in the Pandects are derived from books which Tribonian never saw; and, in the long period from the viith to the xiiith century of Rome, the *apparent* reading of the moderns successively depends on the knowledge and veracity of their predecessors.

† *All*, in several instances, repeat the errors of the scribe and the transpositions of some leaves in the Florentine Pandects. This fact, if it be true, is decisive. Yet the Pandects are quoted by Ivo of Chartres (who died in 1117), by Theobald, archbishop of Canterbury, and by Vacarius, our first professor, in the year 1140 (Selden ad Fleram, c. 7. tom. ii. p. 1080—1085.). Have our British MSS. of the Pandects been collated?

‡ See the description of this original in Breckman (Hist. Pandect. Florent. l. i. c. 2, 3. p. 4—17. and l. ii.). Politian, an enthusiast, revered it as the authentic standard of Justinian himself (p. 407, 408.); but this paradox is refuted by the abbreviations of the Florentine MS. (l. ii. c. 3. p. 117—130.). It is composed of two quarto volumes with large margins, on a thin parchment, and the Latin characters betray the hand of a Greek

§ Breckman, at the end of his history, has inserted two dissertations, on the republic of Amalphi, and the Pisan war in the year 1135, &c.

|| The discovery of the Pandects at Amalphi (A. D. 1137) is first noticed (in 1501) by Ludovicus Bologninus (Breckman, l. i. c. 11. p. 73, 74. l. iv. c. 2, p. 417—425.), on the faith of a Pisan chronicle (p. 409, 410.), without a name or a date. The whole story, though unknown to the xiiith century, embellished by ignorant ages, and suspected by rigid criticism, is not, however, destitute of much internal probability (l. i. c. 4—8. p. 17—50.). The Liber Pandectarum of Pisa was undoubtedly consulted in

Florence*, and is now deposited as a sacred relict † in the ancient palace of the republic ‡.

It is the first care of a reformer to prevent any future reformation. To maintain the text of the Pandects, the Institutes, and the Code, the use of cyphers and abbreviations was rigorously proscribed; and as Justinian recollected, that the perpetual edict had been buried under the weight of commentators, he denounced the punishment of forgery against the rash civilians who should presume to interpret or pervert the will of their sovereign. The scholars of Accursius, of Bartolus, of Cujacius, should blush for their accumulated guilt, unless they dare to dispute his right of binding the authority of his successors, and the native freedom of the mind. But the emperor was unable to fix his own inconstancy; and, while he boasted of renewing the exchange of Diomede, of transmuting brass into gold §, he discovered the necessity of purifying his gold from the mixture of baser alloy. Six years had not elapsed from the publication of the Code, before he condemned the imperfect attempt, by a new and more accurate edition of the same work; which he enriched with two hundred of his own laws, and fifty decisions of the darkest and most intricate points of jurisprudence. Every year, or, according to Procopius, each day, of his long reign, was marked by some legal innovation. Many of his acts were rescinded by himself;

the ninth century by the great Bartolus (p. 406, 407. See l. i. c. 9. p. 50—62.).

* Pisa was taken by the Florentines in the year 1406; and in 1411 the Pandects were transported to the capital. These events are authentic and famous.

† They were new bound in purple, deposited in a rich casket, and shewn to curious travellers by the monks and magistrates bare-headed, and with lighted tapers (Brenckman, l. i. c. 10, 11, 12. p. 62—93.).

‡ After the collations of Politian, Bolognius, and Antoninus Augustinus, and the splendid edition of the Pandects by Taurellus (in 1551), Henry Brenckman, a Dutchman, undertook a pilgrimage to Florence, where he employed several years in the study of a single manuscript. His *Historia Pandectarum Florentinorum* (Utrecht, 1722, in 4to.), though a monument of industry, is a small portion of his original design.

§ *Χρυσὴν χαλκῶν, ἱκατομβοι ἐνταβοιαν*, apud Homerum patrem omnis virtutis (1st Præfat. ad Pandect.). A line of Milton or Tasso would surprise us in an act of parliament. *Quæ omnia obtinere sancimus in omne ævum*. Of the first Code, he says (2d Præfat.) *in æternum valiturum*. Man and for ever!

many were rejected by his successors, many have been obliterated by time; but the number of sixteen EDICTS, and one hundred and sixty-eight NOVELS*, has been admitted into the authentic body of the civil jurisprudence. In the opinion of a philosopher superior to the prejudices of his profession, these incessant, and for the most part trifling, alterations, can be only explained by the venal spirit of a prince, who sold without shame his judgments and his laws†. The charge of the secret historian is indeed explicit and vehement; but the sole instance, which he produces, may be ascribed to the devotion as well as to the avarice of Justinian. A wealthy bigot had bequeathed his inheritance to the church of Emesa; and its value was enhanced by the dexterity of an artist, who subscribed confessions of debt and promises of payment with the names of the richest Syrians. They pleaded the established prescription of thirty or forty years; but their defence was over-ruled by a retrospective edict, which extended the claims of the church to the term of a century; an edict so pregnant with injustice and disorder, that after serving this occasional purpose, it was prudently abolished in the same reign‡. If candour will acquit the emperor himself, and transfer the corruption to his wife and favourites, the suspicion of so foul a vice must still degrade the majesty of his laws; and the advocates of Justinian may acknowledge, that such levity, whatsoever be the motive, is unworthy of a legislator and a man.

Monarchs seldom condescend to become the preceptors of their subjects; and some praise is due to Justinian, by whose command an ample system was reduced to a short and elementary treatise. Among the various institutes of

* *Novelle* is a classic adjective, but a barbarous substantive (Ludewig, p. 245.). Justinian never collected them himself: the nine collations, the legal standard of modern tribunals, consist of ninety-eight Novels; but the number was increased by the diligence of Julian, Harpander, and Contius (Ludewig, p. 249. 258. Aleman. Not. in Anecd. p. 98.).

† Montesquieu, *Considerations sur la Grandeur et la Dégénération des Romains*, c. 20. tom. iii. p. 501. in 4to. On this occasion he throws aside the gown and cap of a President à Mortier.

‡ Procopius, Anecd. c. 28. A similar privilege was granted to the church of Rome (Novel. ix.). For the general repeal of these mischievous indulgencies, see Novel. cxi. and Edict. v.

the Roman law*, those of Caius† were the most popular in the East and West; and their use may be considered as an evidence of their merit. They were selected by the Imperial delegates, Tribonian, Theophilus, and Dorotheus: and the freedom and purity of the Antonines was incrustated with the coarser materials of a degenerate age. The same volume which introduced the youth of Rome, Constantinople, and Berytus, to the gradual study of the Code and Pandects, is still precious to the historian, the philosopher, and the magistrate. The INSTITUTES of Justinian are divided into four books; they proceed, with no contemptible method, from, I. *Persons*, to II. *Things*, and from things, to III. *Actions*; and the article IV. of *Private Wrongs*, is terminated by the principles of *Criminal Law*.

I. The distinctions of ranks and *persons*, is the firmest basis of a mixed and limited government. In France, the remains of liberty are kept alive by the spirit, the honours, and even the prejudices, of fifty thousand nobles‡. Two hundred families supply, in lineal descent, the second branch of the English legislature, which maintains, between the king and commons, the balance of the constitution. A gradation of patricians and plebeians, of strangers and subjects, has supported the aristocracy of Genoa, Venice, and ancient Rome. The perfect equality of men is the point in which the extremes of democracy and despotism are confounded; since the majesty of the prince or people would be

* Lactantius, in his Institutes of Christianity, an elegant and specious work, proposes to imitate the title and method of the civilians. *Quidam prudentes et arbitri æquitatis Institutiones Civilis Juris compositas ediderunt* (Institut. Divin. l. i. c. 1). Such as Ulpian, Paul, Florentinus, Marcian.

† The emperor Justinian calls him *suum*, though he died before the end of the second century. His Institutes are quoted by Servius, Præbicus, Priscian, &c. and the Epitome by Arrian is still extant. (See the Prolegomena and Notes to the edition of Schulzing, in the Jurisprudentia Ante Justinianea, Lugd. Bat. 1717. Heineccius, Hist. J. R. No. 318. Ludewig. in Vit. Just. p. 199.).

‡ See the Annales Politiques de l'Abbé de St. Pierre, tom. i. p. 25. who dates in the year 1735. The most ancient families claim the immemorial possession of arms and fiefs. Since the Crusades, some, the most truly respectable, have been created by the king, for merit and services. The recent and vulgar crowd is derived from the multitude of venal offices without trust or dignity, which continually ennoble the wealthy plebeians.

offended, if any heads were exalted above the level of their fellow-slaves or fellow-citizens. In the decline of the Roman empire, the proud distinctions of the republic were gradually abolished, and the reason or instinct of Justinian completed the simple form of an absolute monarchy. The emperor could not eradicate the popular reverence which always waits on the possession of hereditary wealth, or the memory of famous ancestors. He delighted to honour with titles and emoluments, his generals, magistrates, and senators: and his precarious indulgence communicated some rays of their glory to the persons of their wives and children. But in the eye of the law, all Roman citizens were equal, and all subjects of the empire were citizens of Rome. That inestimable character was degraded to an obsolete and empty name. The voice of a Roman could no longer enact his laws, or create the annual ministers of his power: his constitutional rights might have checked the arbitrary will of a master; and the bold adventurer from Germany or Arabia was admitted, with equal favour, to the civil and military command, which the citizen alone had been once entitled to assume over the conquests of his fathers. The first Cæsars had scrupulously guarded the distinction of *ingenuous*, and *servile* birth, which was decided by the condition of the mother; and the candour of the laws was satisfied, if *her* freedom could be ascertained during a single moment between the conception and the delivery. The slaves, who were liberated by a generous master, immediately entered into the middle class of *libertines* or freedmen: but they could never be enfranchised from the duties of obedience and gratitude; whatever were the fruits of their industry, their patron and his family inherited the third part; or even the whole of their fortune, if they died without children and without a testament. Justinian respected the rights of patrons; but his indulgence removed the badge of disgrace from the two inferior orders of freedmen: whoever ceased to be a slave, obtained, without reserve or delay, the station of a citizen; and at length the dignity of an *ingenuous* birth, which nature had refused, was created, or supposed, by the omnipotence of the emperor. Whatever restraints of age, or forms, or numbers, had been formerly introduced

to check the abuse of manumissions, and the too rapid increase of vile and indigent Romans, he finally abolished; and the spirit of his laws promoted the extinction of domestic servitude. Yet the eastern provinces were filled, in the time of Justinian, with multitudes of slaves, either born or purchased for the use of their masters; and the price, from ten to seventy pieces of gold, was determined by their age, their strength, and their education*. But the hardships of this dependent state were continually diminished by the influence of government and religion; and the pride of a subject was no longer elated by his absolute dominion over the life and happiness of his bondsman †.

The law of nature instructs most animals to cherish and educate their infant progeny. The law of reason inculcates to the human species the returns of filial piety. But the exclusive, absolute, and perpetual dominion of the father over his children, is peculiar to the Roman jurisprudence ‡, and seems to be coeval with the foundation of the city §. The paternal power was instituted or confirmed by Romulus himself; and after the practice of three centuries, it was inscribed on the fourth table of the Decemvirs. In the forum,

* If the option of a slave was bequeathed to several legatees, they drew lots, and the losers were entitled to their share of his value: ten pieces of gold for a common servant or maid under ten years; if above that age, twenty; if they knew a trade, thirty; notaries or writers, fifty; midwives or physicians, sixty; eunuchs under ten years, thirty pieces; above, fifty; if tradesmen, seventy (Cod. l. vi. tit. xliii. leg. 5.). These legal prices are generally below those of the market.

† For the state of slaves and freedmen, see Institutes, l. i. tit. iii.—viii. l. ii. tit. ix. l. iii. tit. viii, ix. Pandects or Digest, l. i. tit. v, vi. l. xxxviii. tit. i.—iv. and the whole of the xth book. Code, l. vi. tit. iv, v. l. viii. tit. i.—xxiii. Be it henceforwards understood that, with the original text of the Institutes and Pandects, the correspondent articles in the Antiquities and Elements of Heineccius are implicitly quoted; and with the xxvii first books of the Pandects, the learned and rational Commentaries of Gerard Noodt (Opera, tom. ii. p. 1—590, the end. Lugd. Batav. 1744.).

‡ See the patria potestas in the Institutes (l. i. tit. ix.), the Pandects (l. i. tit. vi, vii.), and the Code (l. viii. tit. xlvii, xlviii, xlix.). Jus potestatis quod in liberos habemus proprium est civium Romanorum. Nulli enim alii sunt homines, qui talem in liberos habeant potestatem qualem nos habemus.

§ Dionysius Hal. l. ii. p. 94, 95. Gravina (Opp. p. 286.) produces the words of the xii tables. Papinian (in Collatione Legum Roman. et Moisaicarum, tit. iv. p. 204.) styles this, patria potestas, lex regia: Ulpian (ad Sabin. l. xxvi. in Pandect. l. i. tit. vi. leg. 8.) says, jus potestatis moribus receptum; and furiosus filium in potestate habebite. How sacred—or rather, how absurd!

the senate, or the camp, the adult son of a Roman citizen enjoyed the public and private rights of a *person*: in his father's house, he was a mere *thing*; confounded by the laws with the moveables, the cattle, and the slaves, whom the capricious master might alienate or destroy, without being responsible to any earthly tribunal. The hand which bestowed the daily sustenance might resume the voluntary gift, and whatever was acquired by the labour or fortune of the son, was immediately lost in the property of the father. His stolen goods (his oxen or his children) might be recovered by the same action of theft*; and if either had been guilty of a trespass, it was in his own option to compensate the damage, or resign to the injured party the obnoxious animal. At the call of indigence or avarice, the master of a family could dispose of his children or his slaves. But the condition of the slave was far more advantageous, since he regained by the first manumission his alienated freedom: the son was again restored to his unnatural father; he might be condemned to servitude a second and a third time, and it was not till after the third sale and deliverance†, that he was enfranchised from the domestic power which had been so repeatedly abused. According to his discretion, a father might chastise the real or imaginary faults of his children, by stripes, by imprisonment, by exile, by sending them to the country to work in chains among the meanest of his servants. The majesty of a parent was armed with the power of life and death‡; and the examples of such bloody executions, which were sometimes praised and never punished, may be traced in the annals of Rome, beyond the times of Pompey and Augustus. Neither age, nor rank, nor the consular office, nor the honours of a triumph, could exempt the most illustrious citizen from the bonds of

* Pandect. l. xlvii. tit. ii. leg. 14. No. 13. leg. 38. No. 1. Such was the decision of Ulpian and Paul.

† The *trina mancipatio* is most clearly defined by Ulpian (Fragment. x. p. 501, 592. edit. Schulting); and best illustrated in the *Antiquities* of Heineccius.

‡ By Justinian, the old law, the *jus necis* of the Roman father (*Institut. l. iv. tit. ix. No. 7.*), is reported and reprobated. Some legal vestiges are left in the *Pandects* (l. xliii. tit. xxix. leg. 3. No. 4.) and the *Collatio Legum Romanorum et Mosaicarum* (tit. ii. No. 3. p. 189.).

filial subjection*; his own descendants were included in the family of their common ancestor; and the claims of adoption were not less sacred or less rigorous than those of nature. Without fear, though not without danger of abuse, the Roman legislators had reposed an unbounded confidence in the sentiments of paternal love; and the oppression was tempered by the assurance, that each generation must succeed in its turn to the awful dignity of parent and master.

The first limitation of paternal power is ascribed to the justice and humanity of Numa: and the maid who, with his father's consent, had espoused a freeman, was protected from the disgrace of becoming the wife of a slave. In the first ages, when the city was pressed, and often famished by her Latin and Tuscan neighbours, the sale of children might be a frequent practice; but as a Roman could not legally purchase the liberty of his fellow-citizen, the market must gradually fail, and the trade would be destroyed by the conquests of the republic. An imperfect right of property was at length communicated to sons; and the threefold distinction of *profectitious*, *adventitious*, and *professional*, was ascertained by the jurisprudence of the Code and Pandects†. Of all that proceeded from the father, he imparted only the use, and reserved the absolute dominion; yet if his goods were sold, the filial portion was excepted, by a favourable interpretation, from the demands of his creditors. In whatever accrued by marriage, gift, or collateral succession, the property was secured to the son; but the father, unless he had been specially excluded, enjoyed the usufruct during his life. As a just and prudent reward of military virtue, the spoils of the enemy were acquired, possessed, and bequeathed by the soldier alone; and the fair analogy was

* Except on public occasions, and in the actual exercise of his office. In publicis locis atque muneribus, atque actionibus patrum, jura cum filiorum qui in magistratibus sunt, potestatibus collata interquiescere paululum et connivere, &c. (Aul. Gellius, Noctes Atticæ ii. 2. The lessons of the philosopher Taurus were justified by the old and memorable example of Fabius; and we may contemplate the same story in the style of Livy (xxiv. 44.) and the homely idiom of Claudius Quadrigarius the annalist.

† See the gradual enlargement and security of the filial *peculium* in the institutes (l. ii. tit. ix.), the Pandects (l. xv. tit. i. l. xii. tit. i.), and the Code (l. iv. tit. xxvi, xxvii.).

extended to the emoluments of any liberal profession, the salary of public service, and the sacred liberality of the emperor or the empress. The life of a citizen was less exposed than his fortune to the abuse of paternal power. Yet his life might be adverse to the interest or passions of an unworthy father: the same crimes that flowed from the corruption, were more sensibly felt by the humanity, of the *Augustan age*; and the cruel *Erigo*, who whipt his son till he expired, was saved by the emperor from the just fury of the multitude *. The Roman father, from the license of servile dominion, was reduced to the gravity and moderation of a judge. The presence and opinion of Augustus confirmed the sentence of exile pronounced against an intentional parricide by the domestic tribunal of Arius. Hadrian transported to an island the jealous parent, who, like a robber, had seized the opportunity of hunting, to assassinate a youth, the incestuous lover of his stepmother †. A private jurisdiction is repugnant to the spirit of monarchy; the parent was again reduced from a judge to an accuser; and the magistrates were enjoined by Severus Alexander to hear his complaints and execute his sentence. He could no longer take the life of a son without incurring the guilt and punishment of murder; and the pains of parricide, from which he had been excepted by the Pompeian law, were finally inflicted by the justice of Constantine ‡. The same protection was due to every period of existence; and reason must applaud the humanity of Paulus, for imputing the crime of murder to the father, who strangles, or starves, or abandons his new-born infant; or exposes him in a public place to find the mercy which he himself had denied. But

* The examples of *Erigo* and *Arius* are related by Seneca (*de Clementia*, l. 15.), the former with horror, the latter with applause.

† *Quod patris magis quam patris jure eum interfecit, nam patria potestas in pietate debet non in atrocitate consistere* (Marcian, *Institute* l. xiv. in *Pandect.* l. xlviii. tit. ix. leg. 5.).

‡ The Pompeian and Cornelian laws *de sicariis* and *parricidis*, are repeated, or rather abridged, with the last supplements of Alexander Severus, Constantine, and Valentinian, in the *Pandects* (l. xlviii. tit. viii. ix.), and *Code* (l. ix. tit. xvi. xvii.). See likewise the *Theodosian Code* (l. ix. tit. xiv. xv.), with Godefroy's *Commentary* (tom. iii. p. 84—113.), who pours a flood of ancient and modern learning over these penal laws.

the exposition of children was the prevailing and stubborn vice of antiquity: it was sometimes prescribed, often permitted, almost always practised with impunity, by the nations who never entertained the Roman ideas of paternal power; and the dramatic poets, who appeal to the human heart, represent with indifference a popular custom which was palliated by the motives of economy and compassion*. If the father could subdue his own feelings, he might escape, though not the censure, at least the chastisement of the laws; and the Roman empire was stained with the blood of infants, till such murders were included, by Valentinian and his colleagues, in the letter and spirit of the Cornelian law. The lessons of jurisprudence† and christianity had been insufficient to eradicate this inhuman practice, till their gentle influence was fortified by the terrors of capital punishment‡.

Experience has proved, that savages are the tyrants of the female sex, and that the condition of women is usually softened by the refinements of social life. In the hope of a robust progeny, Lycurgus had delayed the season of marriage: it was fixed by Numa at the tender age of twelve years, that the Roman husband might educate to his will a pure and obedient virgin§. According to the custom of antiquity, he bought his bride of her parents, and she fulfilled the *coemp-*

* When the Chremes of Terence reproaches his wife for not obeying his orders and exposing their infant, he speaks like a father and a master, and silences the scruples of a foolish woman. See Apuleius (*Metamorph.* l. x. p. 337. edit. Delphin.).

† The opinion of the lawyers, and the discretion of the magistrates, had introduced in the time of Tacitus some legal restraints, which might support his contrast of the *boni mores* of the Germans to the *bonæ leges* alibi—that is to say, at Rome (*de Moribus Germanorum*, c. 19.). Tertullian (*ad Nationes*, l. i. c. 15.) refutes his own charges and turns his brethren, against the heathen jurisprudence.

‡ The wise and humane sentence of the civilian Paul (l. ii. *Sententiarum* in *Pandect.* l. xxv. tit. iii. leg. 4.) is represented as a mere moral precept by Gerard Noodt (*Opp.* tom. i. in *Julius Paulus*, p. 587—588. and *Amica Responsio*, p. 591—606.), who maintains the opinion of Justus Lipsius (*Opp.* tom. ii. p. 409. *ad Belgas*, cent. i. epist. 85.), and as a positive binding law by Byunkershoek (*de Jure occidendi Liberos*, *Opp.* tom. i. p. 318—340. *Cura Secunda*, p. 391—427.). In a learned but angry controversy the two friends deviated into the opposite extremes.

§ Dionys. Hal. l. ii. p. 92, 93. Plutarch, in *Numa*, p. 140, 141. Τὸ σωμα καὶ τὸ εὖδος καθάρην καὶ εὐκταὶν ἐκ τῶν γυναικῶν γονισθαι.

tion, by purchasing, with three pieces of copper, a just introduction to his house and household deities. A sacrifice of fruits was offered by the pontiffs in the presence of ten witnesses; the contracting parties were seated on the same sheepskin; they tasted a salt cake of *far* or rice; and this *confurration**, which denoted the ancient food of Italy, served as an emblem of their mystic union of mind and body. But this union on the side of the woman was rigorous and unequal; and she renounced the name and worship of her father's house, to embrace a new servitude decorated only by the title of adoption. A fiction of the law, neither rational nor elegant, bestowed on the mother of a family† (her proper appellation) the strange characters of sister to her own children, and of daughter to her husband or master, who was invested with the plenitude of paternal power. By his judgment or caprice her behaviour was approved, or censured, or chastised; he exercised the jurisdiction of life and death; and it was allowed, that in the cases of adultery or drunkenness‡, the sentence might be properly inflicted. She acquired and inherited for the sole profit of her lord; and so clearly was woman defined, not as a *person*, but as a *thing*, that if the original title were deficient, she might be claimed, like other moveables, by the use and possession of an entire year. The inclination of the Roman husband discharged or withheld the conjugal debt, so scrupulously exacted by the Athenian and Jewish laws§: but as polygamy was unknown,

* Among the winter *frumenta*, the *tritium*, or bearded wheat; the *siligo*, or the unbearded; the *far*, *adorea*, *oryza*, whose description perfectly tallies with the rice of Spain and Italy. I adopt this identity on the credit of M. Paucton in his useful and laborious *Metrologie* (p. 517—529.).

† Aulus Gellius (*Noctes Atticæ*, xviii. 6.) gives a ridiculous definition of *Matrona*, *quæ semel, materfamilias quæ sapius peperit*, as *porcetra* and *scropha* in the sow kind. He then adds the genuine meaning, *quæ in matrimonium vel in manum convenerat*.

‡ It was enough to have tasted wine, or to have stolen the key of the cellar (*Plin. Hist. Nat.* xiv. 14.).

§ Solon requires three payments per month. By the *Misna*, a daily debt was imposed on an idle, vigorous young husband; twice a week on a citizen; once on a peasant; once in thirty days on a camel-driver; once in six months on a seaman. But the student or doctor was free from tribute; and no wife, if she received a *weekly* sustenance, could sue for a divorce: for one week a vow of abstinence was allowed. Polygamy divided, without multiplying, the duties of the husband (*Selden, Usor Ubraica*, l. iii. c. 6. in his works, vol. ii. p. 717—720.)

he could never admit to his bed a fairer or more favoured partner,

After the Punic triumphs the matrons of Rome aspired to the common benefits of a free and opulent republic: their wishes were gratified by the indulgence of fathers and lovers, and their ambition was unsuccessfully resisted by the gravity of Cato the Censor*. They declined the solemnities of the old nuptials, defeated the annual prescription by an absence of three days, and, without losing their name or independence, subscribed the liberal and definite terms of a marriage-contract. Of their private fortunes, they communicated the use, and secured the property: the estates of a wife could neither be alienated nor mortgaged by a prodigal husband; their mutual gifts were prohibited by the jealousy of the laws; and the misconduct of either party might afford, under another name, a future subject for an action of theft. To this loose and voluntary compact, religious and civil rites were no longer essential; and, between persons of a similar rank, the apparent community of life was allowed as sufficient evidence of their nuptials. The dignity of marriage was restored by the Christians, who derived all spiritual grace from the prayers of the faithful and the benediction of the priest or bishop. The origin, validity, and duties of the holy institution, were regulated by the tradition of the synagogue, the precepts of the gospel, and the canons of general or provincial synods†; and the conscience of the Christians was awed by the decrees and censures of their ecclesiastical rulers. Yet the magistrates of Justinian were not subject to the authority of the church: the emperor consulted the unbelieving civilians of antiquity, and the choice of matrimonial laws in the Code and Pandects, is directed by the earthly

* On the Oppian law we may hear the mitigating speech of Valerius Flaccus, and the severe censorial oration of the elder Cato (Liv. xxxiv. 1—8.). But we shall rather hear the polished historian of the eighth, than the rough orators of the sixth, century of Rome. The principles, and even the style, of Cato are more accurately preserved by Aulus Gellius (x. 23.).

† For the system of Jewish and Catholic matrimony, see Selden (Uxor Ebraica, Opp. vol. ii. p. 529—860.), Bingham (Christian Antiquities, l. xxii.), and Chardon (Hist. des Sacrements, (tom. vi.).

motives of justice, policy, and the natural freedom of both sexes*.

Besides the agreement of the parties, the essence of every rational contract, the Roman marriage required the previous approbation of the parents. A father might be forced by some recent laws to supply the wants of a mature daughter; but even his insanity was not generally allowed to supersede the necessity of his consent. The causes of the dissolution of matrimony have varied among the Romans†; but the most solemn sacrament, the consanctio itself, might always be done away by rites of a contrary tendency. In the first ages, the father of a family might sell his children, and his wife was reckoned in the number of his children: the domestic judge might pronounce the death of the offender, or his mercy might expel her from his bed and house: but the slavery of the wretched female was hopeless and perpetual, unless he asserted for his own convenience the manly prerogative of divorce. The warmest applause has been lavished on the virtue of the Romans, who abstained from the exercise of this tempting privilege above five hundred years‡: but the same fact evinces the unequal terms of a connection in which the slave was unable to renounce her tyrant, and the tyrant was unwilling to relinquish his slave. When the Roman matrons became the equal and voluntary companions of their lords, a new jurisprudence was introduced, that marriage, like other partnerships, might be dissolved by the abdication

* The civil laws of marriage are exposed in the Institutes (l. i. tit. x.) the Pandects (l. xviii, xxiv, xxv.), and the Code (l. v.): but as the title *de ritu nuptiarum* is yet imperfect, we are obliged to explore the fragments of Ulpian (tit. ix. p. 590, 591.), and the *Collatio Legum Mosaicarum* (tit. xvi. p. 790, 791.), with the Notes of Pithæus and Schulting. They find, in the Commentary of Servius (on the 1st Georgic and the 4th Æneid), two curious passages.

† According to Plutarch (p. 57.), Romulus allowed only three grounds of a divorce—drunkenness, adultery, and false keys. Otherwise, the husband who abused his supremacy forfeited half his goods to the wife, and half to the goddess Ceres, and offered a sacrifice (with the remainder) to the terrestrial deities. This strange law was either imaginary or transient.

‡ In the year of Rome 523, Spurius Carvilius Ruga repudiated a fair, a good, but a barren wife (Dionysius Hal. l. ii. p. 93. Plutarch, in Numa, p. 141. Valerius Maximus, l. ii. c. 1. Aulus Gellius, iv. 3.). He was questioned by the censors, and hated by the people; but his divorce stood unimpeached in law.

of one of the associates. In three centuries of prosperity and corruption, this principle was enlarged to frequent practice and pernicious abuse. Passion, interest, or caprice, suggested daily motives for the dissolution of marriage; a word, a sign, a message, a letter, the mandate of a freedman, declared the separation; the most tender of human connections was degraded to a transient society of profit or pleasure. According to the various conditions of life, both sexes alternately felt the disgrace and injury: an inconstant spouse transferred her wealth to a new family, abandoning a numerous, perhaps a spurious, progeny to the paternal authority and care of her late husband; a beautiful virgin might be dismissed to the world, old, indigent, and friendless; but the reluctance of the Romans, when they were pressed to marriage by Augustus, sufficiently marks, that the prevailing institutions were least favourable to the males. A specious theory is confuted by this free and perfect experiment, which demonstrates, that the liberty of divorce does not contribute to happiness and virtue. The facility of separation would destroy all mutual confidence, and inflame every trifling dispute: the minute difference between an husband and a stranger, which might so easily be removed, might still more easily be forgotten: and the matron, who in five years can submit to the embraces of eight husbands, must cease to reverence the chastity of her own person*.

Insufficient remedies followed with distant and tardy steps the rapid progress of the evil. The ancient worship of the Romans afforded a peculiar goddess to hear and reconcile the complaints of a married life: but her epithet of *Viriplace*†, the appeaser of husbands, too clearly indicates on which side submission and repentance were always expected. Every act

* —Sic sunt octo mariti

Quinque per autumnos.

(Juvenal, Satir. vi. 20.).

A rapid succession, which may yet be credible, as well as the non consulum numero, sed maritorum annos suos computant, of Seneca (de Beneficiis, iii. 16.). Jerom saw at Rome a triumphant husband bury his twenty-first wife, who had interred twenty-two of his less sturdy predecessors Opp. tom. i. p. 90. ad Gerontian.). But the ten husbands in a month of the poet Martial, is an extravagant hyperbole (l. vi. epigram 7.).

† Sacellum Viriplacæ (Valerius Maximus, l. ii. c. 1.) in the Palatine region appears in the time of Theodosius, in the description of Rome by Publius Victor.

of a citizen was subject to the judgment of the *censors*; the first who used the privilege of divorce assigned, at their command, the motives of his conduct *; and a senator was expelled for dismissing his virgin spouse without the knowledge or advice of his friends. Whenever an action was instituted for the recovery of a marriage-portion, the *prator*, as the guardian of equity, examined the cause and the characters, and gently inclined the scale in favour of the guiltless and injured party. Augustus, who united the powers of both magistrates, adopted their different modes of repressing or chastising the license of divorce†. The presence of seven Roman witnesses was required for the validity of this solemn and deliberate act: if any adequate provocation had been given by the husband, instead of the delay of two years, he was compelled to refund immediately, or in the space of six months; but if he could arraign the manners of his wife, her guilt or levity was expiated by the loss of the sixth or eighth part of her marriage-portion. The Christian princes were the first who specified the just causes of a private divorce; their institutions, from Constantine to Justinian, appear to fluctuate between the custom of the empire and the wishes of the church‡, and the author of the Novels too frequently reforms the jurisprudence of the Code and Pandects. In the most rigorous laws, a wife was condemned to support a gamester, a drunkard, or a libertine, unless he were guilty of homicide, poison, or sacrilege, in which cases the marriage, as it should seem, might have been dissolved by the hand of the executioner. But the sacred right of the husband was invariably maintained to deliver his name and family from the disgrace of adultery: the list of mortal sins, either male or female, was curtailed and enlarged by successive regulations, and the obstacles of incurable impotence, long absence, and monastic profession, were allowed to rescind the matrimonial obligation. Who-

* Valerius Maximus, l. ii. c. 9. With some propriety he judges divorce more criminal than celibacy: *illo namque conjugalia sacra spreta tantum, hoc etiam injuriæ tractata.*

† See the laws of Augustus and his successors, in Heineccius, ad *Légem Papiam Poppæam*, c. 19. in *Opp.* tom. vi. P. i. p. 323—332.

‡ *Aliæ sunt leges Cæsarum, aliæ Christi; aliud Papinianus, aliud Paulus noster præcipiunt* Jerem, tom. 1. p. 198. Selden, *Uxor Ebraica*, l. iii. c. 31. p. 847—858.

ever transgressed the permission of the law, was subject to various and heavy penalties. The woman was stript of her wealth and ornaments, without excepting the bodkin of her hair: if the man introduced a new bride into his bed, *her* fortune might be lawfully seized by the vengeance of his exiled wife. Forfeiture was sometimes commuted to a fine; the fine was sometimes aggravated by transportation to an island, or imprisonment in a monastery: the injured party was released from the bonds of marriage; but the offender, during life or a term of years, was disabled from the repetition of nuptials. The successor of Justinian yielded to the prayers of his unhappy subjects, and restored the liberty of divorce by mutual consent: the civilians were unanimous*, the theologians were divided†, and the ambiguous word which contains the precept of Christ, is flexible to any interpretation that the wisdom of a legislator can demand.

The freedom of love and marriage was restrained among the Romans by natural and civil impediments. An instinct, almost innate and universal, appears to prohibit the incestuous commerce‡ of parents and children in the infinite series of ascending and descending generations. Concerning the oblique and collateral branches, nature is indifferent, reason mute, and custom various and arbitrary. In Egypt, the marriage of brothers and sisters was admitted without scruple

* The Institutes are silent, but we may consult the Codes of Theodosius (l. iii. tit. xvi. with Godefroy's Commentary, tom. i. p. 310—315.) and Justinian (l. v. tit. xvii.), the Pandects (l. xxiv. tit. ii.) and the Novels (xxii. cxvii. cxxvii. cxxxiv. cxl.). Justinian fluctuated to the last between civil and ecclesiastical law.

† In pure Greek, *πορνεία* is not a common word; nor can the proper meaning, fornication, be strictly applied to matrimonial sin. In a figurative sense, how far, and to what offences, may it be extended? Did Christ speak the Rabbinical or Syriac tongue? Of what original word is *πορνεία* the translation? How variously is that Greek word translated in the versions ancient and modern! There are two (Mark, x. 11. Luke, xvi. 18.) to one (Matthew, xix. 9.) that such ground of divorce was not excepted by Jesus. Some critics have presumed to think, by an evasive answer, he avoided the giving offence either to the school of Sammai or to that of Hillel (Selden, *Uxor Ebraica*, l. iii. c. 18—22. 28. 31.).

‡ The principles of the Roman jurisprudence are exposed by Justinian (*Institut.* l. i. tit. x.); and the laws and manners of the different nations of antiquity concerning forbidden degrees, &c. are copiously explained by Dr. Taylor in his *Elements of Civil Law* (p. 108. 314—339.), a work of amusing, though various, reading; but which cannot be praised for philosophical precision.

exception: a Spartan might espouse the daughter of his father, an Athenian that of his mother; and the nuptials of an uncle with his niece were, applauded at Athens as an happy union of the dearest relations. The profane lawgivers of Rome were never tempted by interest or superstition to multiply the forbidden degrees: but they inflexibly condemned the marriage of sisters and brothers, hesitated whether first cousins should be touched by the same interdict; revered the parental character of aunts and uncles, and treated affinity and adoption as a just imitation of the ties of blood. According to the proud maxims of the republic, a legal marriage could only be contracted by free citizens; an honourable, at least an ingenuous birth, was required for the spouse of a senator: but the blood of kings could never mingle in legitimate nuptials with the blood of a Roman; and the name of Stranger degraded Cleopatra and Berenice*, to live the concubines of Mark Antony and Titus†. This appellation, indeed so injurious to the majesty, cannot without indulgence be applied to the manners, of these Oriental queens. A concubine, in the strict sense of the civilians, was a woman of servile or plebeian extraction, the sole and faithful companion of a Roman citizen, who continued in a state of celibacy. Her modest station below the honours of a wife, above the infamy of a prostitute, was acknowledged and approved by the laws: from the age of Augustus to the tenth century, the use of this secondary marriage prevailed both in the West and East, and the humble virtues of a concubine were often preferred to the pomp and insolence of a noble matron. In this connection, the two Antonines, the best of princes and of men, enjoyed the comforts of domestic love: the example was imitated by many citizens impatient of celibacy, but regardless of their families. If at any time they desired to legitimate their natural children, the conversion was instantly

* When her father Agrippa died (A. D. 44), Berenice was sixteen years of age (Joseph. tom. i. Antiquit. Judaic. l. xix. c. 9. p. 952. edit. Havercamp). She was therefore above fifty years old when Titus (A. D. 79) *invitus invitam invisit*. This date would not have adorned the tragedy or pastoral of the tender Racine.

† The *Ægyptia conjunx* of Virgil (*Æneid*, viii. 688.) seems to be numbered among the monsters who warred with Mark Antony against Augustus, the senate, and the gods of Italy.

performed by the celebration of their nuptials with a partner whose fruitfulness and fidelity they had already tried. By this epithet of *natural*, the offspring of the concubine were distinguished from the spurious blood of adultery, prostitution, and incest, to whom Justinian reluctantly grants the necessary aliments of life; and these natural children alone were capable of succeeding to a sixth part of the inheritance of their reputed father. According to the rigour of law, bastards were entitled only to the name and condition of their mother, from whom they might derive the character of a slave, a stranger, or a citizen. The outcasts of every family were adopted without reproach as the children of the state*.

The relation of guardian and ward, or in Roman words, of *tutor* and *pupil*, which covers so many titles of the Institutes and Pandects†, is of a very simple and uniform nature. The person and property of an orphan must always be trusted to the custody of some discreet friend. If the deceased father had not signified his choice, the *agnats*, or paternal kindred of the nearest degree, were compelled to act as the natural guardians: the Athenians were apprehensive of exposing the infant to the power of those most interested in his death; but an axiom of Roman jurisprudence has pronounced, that the charge of tutelage should constantly attend the emolument of succession. If the choice of the father, and the line of consanguinity, afforded no efficient guardian, the failure was supplied by the nomination of the prætor of the city, or the president of the province. But the person whom they named to this *public* office might be legally excused by insanity or blindness, by ignorance or inability, by previous enmity or adverse interest, by the number of children or guardianships with which he was already burthened, and by the immunities which were

* The humble but legal rights of concubines and natural children, are stated in the Institutes (l. i. tit. x.), the Pandects (l. i. tit. vii.), the Code (l. v. tit. xxv.), and the Novels (lxxiv. lxxxix.). The researches of Heineccius and Giannone (ad Legem Juliam et Papiam-Poppæam, c. iv, p. 164—175. Opere Posthume, p. 108—158.) illustrate this interesting and domestic subject.

† See the article of guardians and wards in the Institutes (l. i. tit. xiii—xxvi.), the Pandects (l. xxvi, xxvii.), and the Code (l. v. tit. xxviii—lxx.).

granted to the useful labours of magistrates, lawyers, physicians, and professors. Till the infant could speak and think, he was represented by the tutor, whose authority was finally determined by the age of puberty. Without his consent, no act of the pupil could bind himself to his own prejudice, though it might oblige others for his personal benefit. It is needless to observe, that the tutor often gave security, and always rendered an account, and that the want of diligence or integrity exposed him to a civil and almost criminal action for the violation of his sacred trust. The age of puberty had been rashly fixed by the civilians at fourteen; but as the faculties of the mind ripen more slowly than those of the body, a *curator* was interposed to guard the fortunes of the Roman youth from his own experience and headstrong passions. Such a trustee had been first instituted by the prætor, to save a family from the blind havock of a prodigal or madman; and the minor was compelled by the laws, to solicit the same protection, to give validity to his acts till he accomplished the full period of twenty-five years. Women were condemned to the perpetual tutelage of parents, husbands, or guardians; a sex created to please and obey was never supposed to have attained the age of reason and experience. Such at least was the stern and haughty spirit of the ancient law, which had been insensibly mollified before the time of Justinian.

II. The original right of property can only be justified by the accident or merit of prior occupancy; and on this foundation it is wisely established by the philosophy of the civilians*. The savage who hollows a tree, inserts a sharp stone into a wooden handle, or applies a string to an elastic branch, becomes in a state of nature the just proprietor of the canoe, the bow, or the hatchet. The materials were common to all, the new form, the produce of his time and simple industry, belongs solely to himself. His hungry brethren cannot, without a sense of their own injustice, extort from the hunter the game of the forest overtaken or

* Institut. l. ii. tit. i. ii. Compare the pure and precise reasoning of Caius and Heineccius (l. ii. tit. i. p. 69—91.) with the loose prolixity of Theophilus (p. 207—265.). The opinions of Ulpian are preserved in the Pandects (l. i. tit. viii. leg. 41. No. 1.).

slain by his personal strength and dexterity. If his provident care preserves and multiplies the tame animals, whose nature is tractable to the arts of education, he acquires a perpetual title to the use and service of their numerous progeny, which derives its existence from him alone. If he incloses and cultivates a field for their sustenance and his own, a barren waste is converted into a fertile soil; the seed, the manure, the labour, create a new value, and the rewards of harvest are painfully earned by the fatigues of the revolving year. In the successive states of society, the hunter, the shepherd, the husbandman, may defend their possessions by two reasons which forcibly appeal to the feelings of the human mind: that whatever they enjoy is the fruit of their own industry; and, that every man who envies their felicity, may purchase similar acquisitions by the exercise of similar diligence. Such, in truth, may be the freedom and plenty of a small colony cast on a fruitful island. But the colony multiplies, while the space still continues the same: the common rights, the equal inheritance of mankind, are engrossed by the bold and crafty; each field and forest is circumscribed by the land-marks of a jealous master; and it is the peculiar praise of the Roman jurisprudence, that it asserts the claim of the first occupant to the wild animals of the earth, the air, and the waters. In the progress from primitive equity to final injustice, the steps are silent, the shades are almost imperceptible, and the absolute monopoly is guarded by positive laws and artificial reason. The active insatiate principle of self-love can alone supply the arts of life and the wages of industry; and as soon as civil government and exclusive property have been introduced, they become necessary to the existence of the human race. Except in the singular institutions of Sparta, the wisest legislators have disapproved an agrarian law as a false and dangerous innovation. Among the Romans, the enormous disproportion of wealth surmounted the ideal restraints of a doubtful tradition, and an obsolete statute; a tradition that the poorest follower of Romulus had been endowed with the perpetual inheritance of two *jugera**; a statute

* The *hereditum* of the first Romans is defined by Varro (*de Re Rustica*, l. i. c. ii. p. 141. c. x. p. 160, 161. edit. Gesner), and clouded by Pliny's

which confined the richest citizen to the measure of five hundred jugera, or three hundred and twelve acres of land. The original territory of Rome consisted only of some miles of wood and meadow along the banks of the Tyber; and domestic exchange could add nothing to the national stock. But the goods of an alien or enemy were lawfully exposed to the first hostile occupier; the city was enriched by the profitable trade of war; and the blood of her sons was the only price that was paid for the Volscian sheep, the slaves of Britain, or the gems and gold of Asiatic kingdoms. In the language of ancient jurisprudence, which was corrupted and forgotten before the age of Justinian, these spoils were distinguished by the name of *manceps* or *mancipium*, taken with the hand; and whenever they were sold or *emancipated*, the purchaser required some assurance that they had been the property of an enemy, and not of a fellow-citizen*. A citizen could only forfeit his rights by apparent dereliction, and such dereliction of a valuable interest could not easily be presumed. Yet, according to the twelve tables, a prescription of one year for moveables, and of two years for immoveables, abolished the claim of the ancient master, if the actual possessor had acquired them by a fair transaction from the person whom he believed to be the lawful proprietor†. Such conscientious injustice, without any mixture of fraud or force, could seldom injure the members of a small republic; but the various periods of three, of ten, or of twenty years, determined by Justinian, are more suitable to the latitude of a great empire. It is only in the term of prescription that the distinction of real and personal fortune has been remarked by the civilians, and their general idea of property is that of simple, uniform, and absolute dominion. The subordinate exceptions of *use*,

declamation (Hist. Natur. xviii. 2.). A just and learned comment is given in the Administration des Terres chez les Romains (p. 12—66.).

* The *res mancipi* is explained from faint and remote lights by Ulpian (Fragment. tit. xviii. p. 618, 619.), and Bynkershoek (Opp. tom. i. p. 306—315.). The definition is somewhat arbitrary; and as none except myself have assigned a reason, I am diffident of my own.

† From this short prescription, Hume (Essays, vol. i. p. 423.) infers that there could not *then* be more order and settlement in Italy than *now* amongst the Tartars. By the civilian of his adversary Wallace, he is reproached, and not without reason, for overlooking the conditions (Institut. l. ii. tit. vi.).

of *usufruct* *, of *servitudes* †, imposed for the benefit of a neighbour on lands and houses, are abundantly explained by the professors of jurisprudence. The claims of property, as far as they are altered, by the mixture, the division, or the transformation of substances, are investigated with metaphysical subtlety by the same civilians.

The personal title of the first proprietor must be determined by his death: but the possession, without any appearance of change, is peaceably continued in his children, the associates of his toil and the partners of his wealth. This natural inheritance has been protected by the legislators of every climate and age, and the father is encouraged to persevere in slow and distant improvements, by the tender hope, that a long posterity will enjoy the fruits of his labour. The *principle* of hereditary succession is universal, but the *order* has been variously established by convenience or caprice, by the spirit of national institutions, or by some partial example, which was originally decided by fraud or violence. The jurisprudence of the Romans appears to have deviated from the equality of nature, much less than the Jewish ‡, the Athenian §, or the English institutions ||. On the death of a citizen, all his descendants, unless they were already freed from his paternal power, were called to the inheritance of his possessions. The insolent prerogative of primogeniture was unknown; the two sexes were placed on a just level, all the

* See the Institutes (l. i. tit. iv, v.), and the Pandects (l. vii.). Nooodt has composed a learned and distinct treatise de *Usufructu* (Opp. tom. i. p. 387—478.).

† The questions de *Servitutibus* are discussed in the Institutes (l. ii. tit. iii.), and Pandects (l. viii.). Cicero (pro Murenâ, c. 9.) and Lactantius (Institut. Divin. l. i. c. 1.) affect to laugh at the insignificant doctrine, de aquâ pluviâ arcendâ, &c. Yet it might be of frequent use among litigious neighbours, both in town and country.

‡ Among the patriarchs, the first-born enjoyed a mystic and spiritual primogeniture (Genesis, xiv. 31.). In the land of Canaan he was entitled to a double portion of inheritance (Deuteronomy, xxi. 17. with Le Clerc's judicious commentary.).

§ At Athens the sons were equal, but the poor daughters were endowed at the discretion of their brothers. See the *ἀντιμαχίαι* pleadings of Isæus (in the sixth volume of the Greek Orators), illustrated by the version and comment of Sir William Jones, a scholar, a lawyer, and a man of genius.

|| In England, the eldest son alone inherits *all* the land. Black, says the orthodox judge Blackstone (Commentaries on the Laws of England, vol. ii. p. 215.) unjust only in the opinion of younger brothers. It may be of some political use in sharpening their industry.

sons and daughters were entitled to an equal portion of the patrimonial estate; and if any of the sons had been intercepted by a premature death, his person was represented, and his share was divided, by his surviving children. On the failure of the direct line, the right of succession must diverge to the collateral branches. The degrees of kindred * are numbered by the civilians, ascending from the last possessor to a common parent, and descending from the common parent to the next heir: my father stands in the first degree, my brother in the second, his children in the third, and the remainder of the series may be conceived by fancy, or pictured in a genealogical table. In this computation, a distinction was made, essential to the laws and even the constitution of Rome; the *agnats*, or persons connected by a line of males, were called, as they stood in the nearest degree, to an equal partition; but a female was incapable of transmitting any legal claims; and the *cognats* of every rank, without excepting the dear relation of a mother and a son, were disinherited by the twelve tables, as strangers and aliens. Among the Romans, a *gens* or lineage was united by a common *name* and domestic rites; the various *cognomens* or *surnames* of Scipio, or Marcellus, distinguished from each other the subordinate branches or families of the Cornelian or Claudian race: the default of the *agnats*, of the same surname, was supplied by the larger denomination of *gentiles*; and the vigilance of the laws maintained, in the same name, the perpetual descent of religion and property. A similar principle dictated the Voconian law †, which abolished the right of female inheritance. As long as virgins were given or sold in marriage, the adoption of the wife extinguished the hopes of the daughter. But the equal succession of independent matrons, supported their pride and luxury, and might transport into a foreign

* Blackstone's Tables (vol. ii. p. 202.) represent and compare the decrees of the civil with those of the canon and common law. A separate tract of Julius Paulus, de gradibus et affinitatibus, is inserted or abridged in the Pandects (l. xxxviii. tit. x.). In the viith degrees he computes (No. 18) 1094 persons.

† The Voconian law was enacted in the year of Rome 584. The younger Scipio, who was then 17 years of age (Freinshemius, Supplement. Livian. xlvj. 40.) found an occasion of exercising his generosity to his mother, sisters, &c. (Polybius, tom. ii. l. xxxi. p. 1458—1464. edit. Goussier. a domestic witness).

house the riches of their fathers. While the maxims of Cato * were revered, they tended to perpetuate in each family a just and virtuous mediocrity: till female blandishments insensibly triumphed; and every salutary restraint was lost in the dissolute greatness of the republic. The rigour of the decemvirs was tempered by the equity of the prætors. Their edicts restored emancipated and posthumous children to the rights of nature; and upon the failure of the *agnats*, they preferred the blood of the *cognats* to the name of the gentiles, whose title and character were insensibly covered with oblivion. The reciprocal inheritance of mothers and sons was established in the Tertullian and Orphitian decrees by the humanity of the senate. A new and more impartial order was introduced by the novels of Justinian, who affected to revive the jurisprudence of the twelve tables. The lines of masculine and female kindred were confounded: the descending, ascending, and collateral series, was accurately defined; and each degree, according to the proximity of blood and affection, succeeded to the vacant possessions of a Roman citizen †.

The order of succession is regulated by nature, or at least by the general and permanent reason of the lawgiver: but this order is frequently violated by the arbitrary and partial *wills* which prolong the dominion of the testator beyond the grave ‡. In the simple state of society, this last use or abuse of the right of property is seldom indulged: it was introduced at Athens by the laws of Solon; and the private testaments of the father of a family are authorised by the twelve tables. Before the time of the decemvirs §, a Roman

* *Legem Voconiam* (Ernesti, *Clavis Ciceroniana*) magna voce bonis lateribus (at lxx years of age) scripsissem, says old Cato (*de senectute*, c. 5.). Aulus Gellius (vii. 13. xvii. 6.) has saved some passages.

† See the law of succession in the Institutes of Cuias (l. ii. tit. viii. p. 130—144.), and Justinian (l. iii. tit. i.—vi. with the Greek version of Theophilus, p. 515—575. 588—600.), the Pandects (l. xxxviii. tit. vi.—xvii.), the Code (l. vi. tit. lv.—lx.), and the Novels (cxviii.).

‡ That succession was the *rule*, testament the *exception*, is proved by Taylor (*Elements of Civil Law*, p. 519—527.), a learned, rambling, spirited writer. In the iud and iud books the method of the Institutes is doubtless preposterous; and the Chancellor Duquesneau (*Oeuvres*, tom. i. p. 275.) wishes his countryman Domat in the place of Tribonian. Yet *covenants before successions* is not surely the *natural order of the civil laws*.

§ Prior examples of testaments are perhaps fabulous. At Athens a childless father only could make a will (Plutarch, in Solone, tom. i. p. 164. See Isæus and Jones.).

citizen exposed his wishes and motives to the assembly of the thirty *curiæ* or parishes, and the general law of inheritance was suspended by an occasional act of the legislature. After the permission of the decemvirs, each private lawgiver promulgated his verbal or written testament in the presence of five citizens, who represented the five classes of the Roman people; a sixth witness attested their concurrence; a seventh weighed the copper money, which was paid by an imaginary purchaser; and the estate was emancipated by a fictitious sale and immediate release. This singular ceremony *, which excited the wonder of the Greeks, was still practised in the age of Severus; but the prætors had already approved a more simple testament, for which they required the seals and signatures of seven witnesses, free from all legal exception, and purposely summoned for the execution of that important act. A domestic monarch, who reigned over the lives and fortunes of his children, might distribute their respective shares according to the degrees of their merit or his affection: his arbitrary displeasure chastised an unworthy son by the loss of his inheritance and the mortifying preference of a stranger. But the experience of unnatural parents recommended some limitations of their testamentary powers. A son, or, by the laws of Justinian, even a daughter, could no longer be disinherited by their silence: they were compelled to name the criminal, and to specify the offence; and the justice of the emperor enumerated the sole causes that could justify such a violation of the first principles of nature and society †. Unless a legitimate portion, a fourth part, had been reserved for the children, they were entitled to institute an action or complaint of *inofficious* testament, to suppose that their father's understanding was impaired by sickness or age; and respectfully to appeal from his rigorous sentence to the deliberate wisdom of the magistrate. In the Roman jurisprudence, an essential distinction was admitted between the

* The testament of Augustus is specified by Suetonius (in August. c. 101. in Neron. c. 4.), who may be studied as a code of Roman antiquities. Plutarch (Opuscul. tom. ii. p. 976.) is surprised *ὅτι δὲ διαθήκας γραφέναι ἴσμεν μὴ ἀπολιπύσθαι ἀληθοῦς, ἵταρ δὲ πωλεῖν τὰς υἱίας*. The language of Ulpian (Fragment. tit. xi. p. 627. edit. Schulting) is almost too exclusive—*solum in usū est*.

† Justinian (Novell. cxv. No. 3, 4.) enumerates only the public and private crimes, for which a son might likewise disinherit his father.

inheritance and the legacies. The heirs who succeeded to the entire unity, or to any of the twelve fractions of the substance of the testator, represented his civil and religious character, asserted his rights, fulfilled his obligations, and discharged the gifts of friendship or liberality which his last will had bequeathed under the name of legacies. But as the imprudence or prodigality of a dying man might exhaust the inheritance, and leave only risk and labour to his successor, he was empowered to retain the *Falcidian* portion; to deduct, before the payment of the legacies, a clear fourth for his own emolument. A reasonable time was allowed to examine the proportion between the debts and the estate, to decide whether he should accept or refuse the testament; and if he used the benefit of an inventory, the demands of the creditors could not exceed the valuation of the effects. The last will of a citizen might be altered during his life or rescinded after his death: the persons whom he named might die before him, or reject the inheritance, or be exposed to some legal disqualification. In the contemplation of these events, he was permitted to substitute second and third heirs, to replace each other according to the order of the testament; and the incapacity of a madman or an infant to bequeath his property, might be supplied by a similar substitution*. But the power of the testator expired with the acceptance of the testament: each Roman of mature age and discretion acquired the absolute dominion of his inheritance, and the simplicity of the civil law was never clouded by the long and intricate entails which confine the happiness and freedom of unborn generations.

Conquest and the formalities of law established the use of *codicils*. If a Roman was surprised by death in a remote province of the empire, he addressed a short epistle to his legitimate or testamentary heir; who fulfilled with honour, or neglected with impunity, this last request, which the judges before the age of Augustus were not authorised to enforce. A codicil might be expressed in any mode, or in any lan-

* The *substitutions fidei commissaries* of the modern civil law is a feudal idea grafted on the Roman jurisprudence, and bears scarcely any resemblance to the ancient *fidei-commissa* (*Institutions du Droit François*, tom. i. p. 347—383. *Dennissart, Decisions de Jurisprudence*, tom. iv. p. 577—604.). They were stretched to the fourth degree by an abuse of the sixth Novel; a partial, perplexed, declamatory law.

guage; but the subscription of five witnesses must declare that it was the genuine composition of the author. His intention, however laudable, was sometimes illegal; and the invention of *fidei-commissa*, or trusts, arose from the struggle between natural justice and positive jurisprudence. A stranger of Greece or Africa might be the friend or benefactor of a childless Roman, but none except a fellow-citizen, could act as his heir. The Voconian law, which abolished female succession, restrained the legacy or inheritance of a woman to the sum of one hundred thousand sesterces *; and an only daughter was condemned almost as an alien in her father's house. The zeal of friendship, and parental affection suggested a liberal artifice: a qualified citizen was named in the testament, with a prayer or injunction that he would restore the inheritance to the person for whom it was truly intended. Various was the conduct of the trustees in this painful situation: they had sworn to observe the laws of their country, but honour prompted them to violate their oath: and if they preferred their interest under the mask of patriotism, they forfeited the esteem of every virtuous mind. The declaration of Augustus relieved their doubts, gave a legal sanction to confidential testaments and codicils, and gently unravelled the forms and restraints of the republican jurisprudence †. But as the new practice of trusts degenerated into some abuse, the trustee was enabled, by the Trebellian and Pegasian decrees, to reserve one-fourth of the estate, or to transfer on the head of the real heir all the debts and actions of the succession. The interpretation of testaments was strict and literal; but the language of *trusts* and codicils was delivered from the minute and technical accuracy of the civilians ‡.

III. The general duties of mankind are imposed by their public and private relations: but their specific *obligations* to each other can only be the effect of, 1. a promise, 2. a

* Dion Cassius (tom. ii. l. lvi. p. 814. with Reimar's Notes) specifies in Greek money the sum of 25,000 drachms.

† The revolutions of the Roman laws of inheritance are finely, though sometimes fancifully, deduced by Montesquieu (*Esprit des Loix*, l. xxvii.).

‡ Of the civil jurisprudence of successions, testaments, codicils, legacies, and trusts, the principles are ascertained in the Institutes of Caius (l. ii. tit. ii.—ix. p. 91—144.), Justinian (l. ii. tit. x—xxv.), and Theophilus (p. 328—514.); and the immense detail occupies twelve books (xxviii—xxxix.) of the Pandects.

benefit, or 3. an injury: and when these obligations are ratified by law, the interested party may compel the performance by a judicial *action*. On this principle the civilians of every country have erected a similar jurisprudence, the fair conclusion of universal reason and justice*.

1. The goddess of *faith* (of human and social faith) was worshipped, not only in her temples, but in the lives of the Romans; and if that nation was deficient in the more amiable qualities of benevolence and generosity, they astonished the Greeks by their sincere and simple performance of the most burthensome engagements†. Yet among the same people, according to the rigid maxims of the patricians and decemvirs, a *naked pact*, a promise, or even an oath, did not create any civil obligation, unless it was confirmed by the legal form of a *stipulation*. Whatever might be the etymology of the Latin word, it conveyed the idea of a firm and irrevocable contract, which was always expressed in the mode of a question and answer. Do you promise to pay me one hundred pieces of gold? was the solemn interrogation of Seius. I do promise—was the reply of Sempronius: the friends of Sempronius, who answered for his ability and inclination, might be separately sued at the option of Seius; and the benefit of partition, or order of reciprocal actions, insensibly deviated from the strict theory of stipulation. The most cautious and deliberate consent was justly required to sustain the validity of a gratuitous promise; and the citizen who might have obtained a legal security, incurred the suspicion of fraud, and paid the forfeit of his neglect. But the ingenuity of the civilians successfully laboured to convert simple engagements into the form of solemn stipulations. The prætors, as the guardians of social faith, admitted every rational evidence of a voluntary and deliberate act, which in their tribunal produced an equitable obligation, and for which they gave an action and a remedy‡.

* The Institutes of Caius (l. ii. tit. ix, x. p. 144—214.), of Justinian (l. ii. tit. xiv—xxx. l. iv. tit. i—vi.), and of Theophilus (p. 616—837.), distinguish four sorts of obligations—aut *re*, aut *verbis*, aut *litteris*, aut *consensu*; but I confess myself partial to my own division.

† How much is the cool, rational evidence of Polybius (l. vi. p. 693. l. xxxi. p. 1459, 1460.) superior to vague, indiscriminate applause—*omnium maxime et præcipue fidem coluit* (A. Gellius, xx. 1.).

‡ The *Jus Prætorium de Pactis et Transactionibus* is a separate and satisfactory treatise of Gerrard Noodt (Opp. tom. i. p. 483—564.). And I will

2. The obligations of the second class, as they were contracted by the delivery of a thing, are marked by the civilians with the epithet of real *. A grateful return is due to the author of a benefit; and whoever is entrusted with the property of another, has bound himself to the sacred duty of restitution. In the case of a friendly loan, the merit of generosity is on the side of the lender only; in a deposit on the side of the receiver: but in a *pledge*, and the rest of the selfish commerce of ordinary life, the benefit is compensated by an equivalent, and the obligation to restore is variously modified by the nature of the transaction. The Latin language very happily expresses the fundamental difference between the *commodatum* and the *mutuum*, which our poverty is reduced to confound under the vague and common appellation of a loan. In the former, the borrower was obliged to restore the same individual thing with which he had been *accommodated* for the temporary supply of his wants; in the latter, it was destined for his use and consumption, and he discharged this *mutual* engagement, by substituting the same specific value, according to a just estimation of number, of weight, and of measure. In the contract of *sale*, the absolute dominion is transferred to the purchaser, and he repays the benefit with an adequate sum of gold or silver, the price and universal standard of all earthly possessions. The obligation of another contract, that of *location*, is of a more complicated kind. Lands or houses, labour or talents, may be hired for a definite term; at the expiration of the time, the thing itself must be restored to the owner with an additional reward for the beneficial occupation and employment. In these lucrative contracts, to which may be added those of partnership and commissions, the civilians sometimes imagine the delivery of the object, and sometimes presume the consent of the parties. The substantial pledge has been refined into the invisible rights of a mortgage or *hypotheca*; and the agreement of sale, for a certain price, imputes, from that moment, the chances of gain or loss to

here observe that the universities of Holland and Brandenburg, in the beginning of the present century, appear to have studied the civil law on the most just and liberal principles.

* The nice and various subject of contracts by consent is spread over four books (xvii—xx.) of the Pandects, and is one of the parts best deserving of the attention of an English student.

the account of the purchaser. It may be fairly supposed, that every man will obey the dictates of his interest; and if he accepts the benefit, he is obliged to sustain the expence, of the transaction. In this boundless subject, the historian will observe the *location* of land and money, the rent of the one and the interest of the other, as they materially affect the prosperity of agriculture and commerce. The landlord was often obliged to advance the stock and instruments of husbandry, and to content himself with a partition of the fruits. If the feeble tenant was oppressed by accident, contagion, or hostile violence, he claimed a proportionable relief from the equity of the laws: five years were the customary term, and no solid or costly improvements could be expected from a farmer, who, at each moment, might be ejected by the sale of the estate*. Usury†, the inveterate grievance of the city, had been discouraged by the twelve tables‡, and abolished by the clamours of the people. It was revived by their wants and idleness, tolerated by the discretion of the prætors, and finally determined by the Code of Justinian. Persons of illustrious rank were confined to the moderate profit of four *per cent.*; six was pronounced to be the ordinary and legal standard of interest; eight was allowed for the convenience of manufacturers and merchants;

* The covenants of rent are defined in the Pandects (l. xix.) and the Code (l. iv. tit. lxx.). The quinquennium, or term of five years, appears to have been a custom rather than a law; but in France all leases of land were determined in nine years. This limitation was removed only in the year 1775 (Encyclopédie Methodique, tom. i., de la Jurisprudence, p. 668, 669.); and I am sorry to observe that it yet prevails in the beautiful and happy country where I am permitted to reside.

† I might implicitly acquiesce in the sense and learning of the three books of G. Noodt, de fœnore et usuris (Opp. tom. i. p. 175—268.). The interpretation of the *asses* or *centesime usura* at twelve, the *unciarie* at one per cent. is maintained by the best critics and civilians: Noodt (l. ii. c. 2. p. 207.), Gravina (Opp. p. 205, &c. 210.), Heineccius (Antiquitat ad Institut. l. iii. tit. xv.), Montesquieu (Esprit des Loix, l. xxii. c. 22. tom. ii. p. 36. Defense de l'Esprit des Loix, tom. iii. p. 478, &c.) and above all John Frederic Gronovius (de Pecunia Veteri, l. iii. c. 13. p. 213—227. and his three Antexegeses, p. 455—655.) the founder, or at least the champion, of this probable opinion; which is, however, perplexed with some difficulties.

‡ Primo xii tabulis sancitum est nequis unciario fœnore amplius exerceret (Tacit. Annal. vi. 16.). Pour peu (says Montesquieu, Esprit des Loix, l. xxii. c. 22.) qu'on soit versé dans l'histoire de Rome, on verra qu'une pareille loi ne devoit pas être l'ouvrage des decemvirs. Was Tacitus ignorant—or stupid? But the wiser and more virtuous patricians might sacrifice their avarice to their ambition, and might attempt to check the odious practice by such interest as no lender would accept, and such penalties as no debtor would incur.

twelve was granted to nautical insurance, which the wisest ancients had not attempted to define; but except in this perilous adventure, the practice of exorbitant usury was severely restrained*. The most simple interest was condemned by the clergy of the East and West†: but the sense of mutual benefit, which had triumphed over the laws of the republic, have resisted with equal firmness the decrees of the church, and even the prejudices of mankind‡.

3. Nature and society impose the strict obligation of repairing an injury; and the sufferer by private injustice, acquires a personal right and a legitimate action. If the property of another be entrusted to our care, the requisite degree of care may rise and fall according to the benefit which we derive from such temporary possession; we are seldom made responsible for inevitable accident, but the consequences of a voluntary fault must always be imputed to the author§. A Roman pursued and recovered his stolen goods by a civil action of theft; they might pass through a succession of pure and innocent hands, but nothing less than a prescription of thirty years could extinguish his original claim. They were restored by the sentence of the prætor, and the injury was compensated by double, or threefold, or even quadruple damages, as the deed had been perpetrated by secret fraud or open rapine, as the robber had been surprised in the fact or detected by a subsequent research. The Aquilian law|| defended the living property of a citizen, his slaves and cattle, from the stroke of malice or negligence:

* Justinian has not condescended to give usury a place in his Institutes; but the necessary rules and restrictions are inserted in the Pandects (l. xxii. tit. i, ii.), and the Code (l. iv. tit. xxii, xxiii.).

† The fathers are unanimous (Barbeyrac, *Morale des Pères*, p. 144, &c.): Cyprinus, Lactantius, Basil, Chrysostom (see his frivolous arguments in Nooît, l. i. c. 7. p. 188.), Gregory of Nyssa, Ambrose, Jérôme, Augustin, and a host of councils and casuists.

‡ Cato, Seneca, Plutarch, have loudly condemned the practice or abuse of usury. According to the etymology of *fenus* and *reus*, the principal is supposed to generate the interest: a breed of barren metal, exclaims Shakspeare—and the stage is the echo of the public voice.

§ Sir William Jones has given an ingenious and rational Essay on the Law of Bailment (London, 1781. p. 127. in 8vo.). He is perhaps the only lawyer equally conversant with the year-books of Westminster, the Commentaries of Ulpian, the Attic pleadings of *lexus*, and the sentences of Arabian and Persian *cudhis*.

|| Nooît (Opp. tom. i. p. 157—172.) has composed a separate treatise, ad *Lexem Aquilianam* (Pandect. l. ix. tit. ii.).

the highest price was allowed that could be ascribed to the domestic animal at any moment of the year preceding his death: a similar latitude of thirty days was granted on the destruction of any other valuable effects. A personal injury is blunted or sharpened by the manners of the times and the sensibility of the individual: the pain or the disgrace of a word or blow cannot easily be appreciated by a pecuniary equivalent. The rude jurisprudence of the decemvirs had confounded all hasty insults, which did not amount to the fracture of a limb, by condemning the aggressor to the common penalty of twenty-five *asses*. But the same denomination of money was reduced, in three centuries, from a pound to the weight of half an ounce; and the insolence of a wealthy Roman indulged himself in the cheap amusement of breaking and satisfying the law of the twelve tables. Veratius ran through the streets striking on the face the inoffensive passengers, and his attendant purse-bearer immediately silenced their clamours by the legal tender of twenty-five pieces of copper, about the value of one shilling*. The equity of the prætors examined and estimated the distinct merits of each particular complaint. In the adjudication of civil damages, the magistrate assumed a right to consider the various circumstances of time and place, of age and dignity, which may aggravate the shame and sufferings of the injured person; but if he admitted the idea of a fine, a punishment, an example, he invaded the province, though, perhaps, he supplied the defects, of the criminal law.

The execution of the Alban dictator, who was dismembered by eight horses, is represented by Livy as the first and the last instance of Roman cruelty in the punishment of the most atrocious crimes†. But this act of justice, or revenge, was inflicted on a foreign enemy in the heat of victory, and at the command of a single man. The twelve tables afford a more decisive proof of the national spirit, since they were framed by the wisest of the senate, and accepted by the free voices of the people; yet these laws, like the statutes of

* Aulus Gellius (Noct. Attic. xx. 1.) borrowed his story from the Commentaries of Q. Labeo on the xii tables.

† The narrative of Livy (i. 38.) is weighty and solemn. At tu dictis Albani maneres is an harsh reflection, unworthy of Virgil's humanity (*Æneid*, viii. 643.). Heyne, with his usual good taste, observes that the subject was too horrid for the shield of *Æneas* (tom. iii. p. 329.).

Draco *, are written in characters of blood †. They approve the inhuman and unequal principle of retaliation; and the forfeit of an eye for an eye, a tooth for a tooth, a limb for a limb, is rigorously exacted, unless the offender can redeem his pardon by a fine of three hundred pounds of copper. The decemvirs distributed with much liberality the slighter chastisements of flagellation and servitude; and nine crimes of a very different complexion are adjudged worthy of death. 1. Any act of *treason* against the state, or of correspondence with the public enemy. The mode of execution was painful and ignominious: the head of the degenerate Roman was shrouded in a veil, his hands were tied behind his back, and, after he had been scourged by the lictor, he was suspended in the midst of the forum on a cross, or inauspicious tree. 2. Nocturnal meetings in the city; whatever might be the pretence, of pleasure, or religion, or the public good. 3. The murder of a citizen; for which the common feelings of mankind demand the blood of the murderer. Poison is still more odious than the sword or dagger; and we are surprised to discover, in two flagitious events, how early such subtle wickedness had infected the simplicity of the republic, and the chaste virtues of the Roman matrons ‡. The parricide who violated the duties of nature and gratitude, was cast into the river or the sea, inclosed in a sack; and a cock, a viper, a dog, and a monkey, were successively added as the most suitable companions §. Italy

* The age of Draco (Olympiad xxxix. 1.) is fixed by Sir John Marsham (Canon Chronicus, p. 593—596) and Corsini (Fasti Attici, tom. iii. p. 62.) For his laws, see the writers on the government of Athens, Sigonius, Meursius, Potter, &c.

† The *vith, de delictis*, of the xii tables is delineated by Gravina (Opp. p. 292, 293, with a Commentary, p. 214—230). Aulus Gellius (xi. 1.) and the *Collatio Legum Mosaicarum et Romanarum* afford much original information.

‡ Livy mentions two remarkable and flagitious cases, of 3000 persons accused, and of 190 noble matrons convicted, of the crime of poisoning (xl. 43. viii. 18.). Mr. Humé discriminates the ages of private and public virtue (Essays, vol. i. p. 22, 23.). I would rather say that such ebullitions of mischief (as in France in the year 1680) are accidents and prodigies which leave no marks on the manners of a nation.

§ The xii Tables and Cicero (pro Roscio Amerino, c. 25, 26.) are consistent with the sack; Seneca (Excerpt. Contravers. v. 4.) adorns it with serpents; Juvenal pities the guiltless monkey (*innocua sita*—Satir. xiii. 150). Hadrian (apud Dositheum Magistrum, l. iii. c. 16. p. 874—876. with Schelling's Note). Modestinus (Pandect. xlviii. tit. ix. leg. 9.), Constantine (Cod. l. ix. tit. xvii.), and Justinian (Institut. l. iv. tit. xviii.), enumerate all the

produces no monkeys; but the want could never be felt, till the middle of the sixth century first revealed the guilt of a parricide*. 4. The malice of an *incendiary*. After the previous ceremony of whipping, he himself was delivered to the flames; and in this example alone our reason is tempted to approve the justice of retaliation, 5. *Judicial perjury*. The corrupt or malicious witness was thrown headlong from the Tarpeian rock to expiate his falsehood, which was rendered still more fatal by the severity of the penal laws and the deficiency of written evidence. 6. The corruption of a judge who accepted bribes to pronounce an iniquitous sentence. 7. Libels and satires, whose rude strains sometimes disturbed the peace of an illiterate city. The author was beaten with clubs, a worthy chastisement, but it is not certain that he was left to expire under the blows of the executioner†. 8. The perpetual mischief of damaging or destroying a neighbour's corn. The criminal was suspended as a grateful victim to Ceres. But the sylvan deities were less implacable, and the extirpation of a more valuable tree was compensated by the moderate fine of twenty-five pounds of copper. 9. Magical incantations; which had power, in the opinion of the Latian shepherds, to exhaust the strength of an enemy, to extinguish his life, and remove from their seats his deep-rooted plantations. The cruelty of the twelve tables against insolvent debtors still remains to be told; and I shall dare to prefer the literal sense of antiquity, to the specious refinements of modern criticism‡. After the judicial proof or confession of the debt, thirty days of grace were allowed before a Roman was delivered into the power of his fellow-citizen,

companions of the parricide. But this fanciful execution was simplified in practice. *Hodie tamen vivi exantur vel ad bestias dantur* (Paul. Sentent. Recept. l. v. tit. xxiv. p. 512. edit. Schuking).

* The first parricide at Rome was L. Ostius, after the second Punic war (Plutarch in Romulo, tom. i. p. 57.). During the Cimbric, P. Malleolus was guilty of the first matricide (Liv. Epitom. l. lxxviii.).

† Horace talks of the *formidine fastis* (l. ii. epist. ii. 154.); but Cicero (de Republicâ, l. iv. apud Augustin. de Civitat. Dei, ix. 6. in Fragment. Philosoph. tom. iii. p. 393. edit. Olivet) affirms that the *decemvirs* made libels a capital offence: *cum per paucos res capite fauississent—per paucos!*

‡ Bynkershoek (Observat. Juris. Rom. l. i. c. 1. in Opp. tom. i. p. 9, 10, 11.) labours to prove that the creditors divided not the *body*, but the *price*, of the insolvent debtor. Yet his interpretation is one perpetual harsh metaphor; nor can he surmount the Roman authorities of Quintilian, Cæcilius, Favonius, and Tertullian. See Aulus Gellius, Noct. Attic. xxi.

In this private prison, twelve ounces of rice were his daily food; he might be bound with a chain of fifteen pounds weight; and his misery was thrice exposed in the market-place, to solicit the compassion of his friends and countrymen. At the expiration of sixty days, the debt was discharged by the loss of liberty or life; the insolvent debtor was either put to death, or sold in foreign slavery beyond the Tyber: but if several creditors were alike obstinate and unrelenting, they might legally dismember his body, and satiate their revenge by this horrid partition. The advocates for this savage law have insisted, that it must strongly operate in deterring idleness and fraud from contracting debts which they were unable to discharge; but experience would dissipate this salutary terror, by proving, that no creditor could be found to exact this unprofitable penalty of life or limb. As the manners of Rome were insensibly polished, the criminal code of the decemvirs was abolished by the humanity of accusers, witnesses, and judges; and impunity became the consequence of immoderate rigour. The Porcian and Valerian laws prohibited the magistrates from inflicting on a free citizen any capital, or even corporal punishment; and the obsolete statutes of blood were artfully, and perhaps truly, ascribed to the spirit, not of patrician, but of regal, tyranny.

In the absence of penal laws and the insufficiency of civil actions, the peace and justice of the city were imperfectly maintained by the private jurisdiction of the citizens. The malefactors who replenish our gaols, are the outcasts of society, and the crimes for which they suffer may be commonly ascribed to ignorance, poverty, and brutal appetite. For the perpetration of similar enormities, a vile plebeian might claim and abuse the sacred character of a member of the republic: but on the proof or suspicion of guilt, the slave, or the stranger, was nailed to a cross, and this strict and summary justice might be exercised without restraint over the greatest part of the populace of Rome. Each family contained a domestic tribunal, which was not confined, like that of the prætor, to the cognizance of external actions: virtuous principles and habits were inculcated by the discipline of education; and the Roman father was accountable to the state for the manners of his children;

since he disposed, without appeal, of their life, their liberty, and their inheritance. In some pressing emergencies, the citizen was authorized to avenge his private or public wrongs. The consent of the Jewish, the Athenian, and the Roman laws, approved the slaughter of the nocturnal thief; though in open day-light a robber could not be slain without some previous evidence of danger and complaint. Whoever surprised an adulterer in his nuptial bed might freely exercise his revenge*; the most bloody or wanton outrage was excused by the provocation†; nor was it before the reign of Augustus that the husband was reduced to weigh the rank of the offender, or that the parent was condemned to sacrifice his daughter with her guilty seducer. After the expulsion of the kings, the ambitious Roman who should dare to assume their title or imitate their tyranny, was devoted to the infernal gods: each of his fellow-citizens was armed with a sword of justice; and the act of Brutus, however repugnant to gratitude or prudence, had been already sanctified by the judgment of his country‡. The barbarous practice of wearing arms in the midst of peace§, and the bloody maxims of honour, were unknown to the Romans; and, during the two purest ages, from the establishment of equal freedom to the end of the Punic wars, the city was never disturbed by sedition, and rarely polluted with atrocious crimes. The failure of penal laws was more sensibly felt when every vice was inflamed by faction at home and dominion abroad. In the time of Cicero, each private citizen enjoyed the privilege of anarchy: each minister of the republic was exalted to the

* The first speech of Lysias (Reiske, *Orator, Græc. tom. v. p. 2—48.*) is in defence of an husband who had killed the adulterer. The right of husbands and fathers at Rome and Athens is discussed with much learning by Dr. Taylor (*Lectiones Lysiacæ, c. xi. in Reiske, tom. vi. p. 301—308.*).

† See Casaubon ad *Athenæum*, l. i. c. 5. p. 19. *Percurrent raptanique mugilisque* (Cicull. p. 41, 42. edit. Vossian.). *Hunc mugilis intrat* (Juvenal, *Satir. x. § 17.*). *Hunc permixere calones* (Horat. l. i. *Satir. ii. 44.*) *familie stuprandum dedit. . . fraudi non fuit* (Val. Maxim. l. vi. c. 1. No. 13.).

‡ This law is noticed by Livy (ii. 8.) and Plutarch (in *Publicola*, tom. i. p. 187.): and it fully justifies the public opinion on the death of Cæsar, which Suetonius could publish under the Imperial government. *Jure causæ existimatur* (in *Julio*, c. 76.). Read the letters that passed between Cicero and Matius a few months after the ides of March (ad *Fam. xi. 27, 28.*).

§ *Περὶ τοῦ Ἀδριανῆος τοῦ τοῦ οὐδαμῶς κατεστῶτος*. Thucydid. l. i. c. 6. The historian who considers this circumstance as the test of civilization, would disdain the barbarism of an European court.

temptations of regal power, and their virtues are entitled to the warmest praise as the spontaneous fruits of nature or philosophy. After a triennial indulgence of lust, rapine, and cruelty, Verres, the tyrant of Sicily, could only be sued for the pecuniary restitution of three hundred thousand pounds sterling; and such was the temper of the laws, the judges, and perhaps the accuser himself*, that on refunding a thirteenth part of his plunder, Verres could retire to an easy and luxurious exile †.

The first imperfect attempt to restore the proportion of crimes and punishments, was made by the dictator Sylla, who, in the midst of his sanguinary triumph, aspired to restrain the licence, rather than to oppress the liberty, of the Romans. He gloried in the arbitrary proscription of four thousand seven hundred citizens ‡. But in the character of a legislator, he respected the prejudices of the times; and instead of pronouncing a sentence of death against the robber or assassin, the general who betrayed an army, or the magistrate who ruined a province, Sylla was content to aggravate the pecuniary damages by the penalty of exile, or, in more constitutional language, by the interdiction of fire and water. The Cornelian, and afterwards the Pompeian, and Julian, laws introduced a new system of criminal jurisprudence §; and the emperors, from Augustus to Justinian, disguised their increasing rigour under the names of the original authors. But the invention and frequent use of

* He first rated at *millies* (800,000*l.*) the damages of Sicily (*Divinatio* in *Cæcilium*, c. 5.), which he afterwards reduced to *quadringenties* (520,000*l.* — 1. *Actio in Verrem*. c. 18.) and was finally content with *trices* (24,000*l.*). Plutarch in *Cicero*n. (tom. iii. p. 1584.) has not dissembled the popular suspicion and report.

† Verres lived near thirty years after his trial, till the second triumvirate, when he was proscribed by the taste of Mark-Antony for the sake of his Corinthian plate (*Plin. Hist. Natur.* xxxiv. 3.).

‡ Such is the number assigned by *Valerius Maximus* (l. ix. c. 2. No. 1.). *Florus* (iv. 21.) distinguishes 2000 senators and knights. *Appian* (*de Bell. Civil.* l. i. c. 95. tom. ii. p. 183. edit. Schweigauser) more accurately computes 40 victims of the senatorian rank, and 1600 of the equestrian census or order.

§ For the penal law (*Leges Corneliae, Pompeiae, Juliae*, of *Sylla*, *Pompey*, and the *Cæsars*), see the sentences of *Paulus*, l. iv. tit. xviii—xxx. p. 497—528. edit. *Schulzing*), the *Gregorian Code* (*Fragment.* l. xix. p. 705, 706. in *Schulzing*), the *Collatio Legum Mosaicarum et Romanarum* (tit. i—xv.), the *Theodosian Code* (l. ix.), the *Code of Justinian* (l. ix.), the *Pandects* (xlviii.), the *Institutes* (l. iv. tit. xviii.), and the *Greek version of Theophilus* (p. 917—926.).

extraordinary pains, proceeded from the desire to extend and conceal the progress of despotism. In the condemnation of illustrious Romans, the senate was always prepared to confound, at the will of their masters, the judicial and legislative powers. It was the duty of the governors to maintain the peace of their province, by the arbitrary and rigid administration of justice; the freedom of the city evaporated in the extent of empire, and the Spanish malefactor, who claimed the privilege of a Roman, was elevated by the command of Galba on a fairer and more lofty cross *. Occasional rescripts issued from the throne to decide the questions which, by their novelty or importance, appeared to surpass the authority and discernment of a proconsul. Transportation and beheading were reserved for honourable persons; meaner criminals were either hanged or burnt, or buried in the mines, or exposed to the wild beasts of the amphitheatre. Armed robbers were pursued and extirpated as the enemies of society; the driving away horses or cattle was made a capital offence †; but simple theft was uniformly considered as a mere civil and private injury. The degrees of guilt, and the modes of punishment, were too often determined by the discretion of the rulers, and the subject was left in ignorance of the legal danger which he might incur by every action of his life.

A sin, a vice, a crime, are the objects of theology, ethics, and jurisprudence. Whenever their judgments agree, they corroborate each other; but as often as they differ, a prudent legislator appreciates the guilt and punishment according to the measure of social injury. On this principle, the most daring attack on the life and property of a private citizen, is judged less atrocious than the crime of treason or rebellion, which invades the *majesty* of the republic: the obsequious civilians unanimously pronounced, that the republic is

* It was a guardian who had poisoned his ward. The crime was atrocious; yet the punishment is reckoned by Suetonius (c. 9.) among the acts in which Galba shewed himself acer vehemens, et in delictis coercendis immixtus.

† The abactores or abigeatores, who drove one horse, or two mares or oxen, or five hogs, or ten goats, were subject to capital punishment (Paul. Sentent. Recept. l. iv. tit. xviii. p. 497, 498.). Hadrian (ad Concl. Beticæ), most severe where the offence was most frequent, condemns the criminals, ad gladium, ludi damnationem (Ulpian, de Officio Proconsulis, l. viii. in Collatione Legum Mosaic. et Rom. tit. xi. p. 235.).

contained in the person of its chief; and the edge of the Julian law was sharpened by the incessant diligence of the emperors. The licentious commerce of the sexes may be tolerated as an impulse of nature, or forbidden as a source of disorder and corruption: but the fame, the fortunes, the family of the husband, are seriously injured by the adultery of the wife. The wisdom of Augustus, after curbing the freedom of revenge, applied to this domestic offence the animadversion of the laws: and the guilty parties, after the payment of heavy forfeitures and fines, were condemned to long or perpetual exile in two separate islands*. Religion pronounces an equal censure against the infidelity of the husband; but as it is not accompanied by the same civil effects, the wife was never permitted to vindicate her wrongs†; and the distinction of simple or double adultery, so familiar and so important in the canon law, is unknown to the jurisprudence of the Code and Pandects. I touch with reluctance, and dispatch with impatience, a more odious vice, of which modesty rejects the name, and nature abominates the idea. The primitive Romans were infected by the example of the Etruscans‡ and Greeks§: in the mad abuse of prosperity and power, every pleasure that is innocent was deemed insipid; and the Scatinian law||, which had been

* Till the publication of the Julius Paulus of Schulting (l. ii. tit. xxvi. p. 317—323.), it was affirmed and believed, that the Julian laws punished adultery with death; and the mistake arose from the fraud or error of Tribonian. Yet Lipsius had suspected the truth from the narratives of Tacitus (Annal. ii. 50. iii. 24. iv. 42.), and even from the practice of Augustus, who distinguished the *treasonable* frailties of his female kindred.

† In cases of adultery, Severus confined to the husband the right of public accusation (Cod. Justinian. l. ix. tit. ix. leg. 1.). Nor is this privilege unjust—so different are the effects of male or female infidelity.

‡ Timon (l. i.) and Theopompus (l. xliii. apud Athenæum, l. xii. p. 517) describe the luxury and lust of the Etruscans: πολὺ βίη τοι γι χαίρει συνοίης τοῖς παῖσι καὶ τοῖς μετριοῖς. About the same period (A. U. C. 445) the Roman youth studied in Etruria (Liv. ix. 36.).

§ The Persians had been corrupted in the same school: αἱ Ἕλληες μαθόντες παῖσι μοιχέσονται (Herodot. l. i. c. 135.). A curious dissertation might be formed on the introduction of pæderasty after the time of Homer, its progress among the Greeks of Asia and Europe, the vehemence of their passions, and the thin device of virtue and friendship which amused the philosophers of Athens. But, scelera ostendi oportet dum puniuntur, abscondi flagitia.

|| The name, the date, and the provisions of this law, are equally doubtful (Gravina, Opp. p. 432, 433. Heineccius, Hist. Jur. Rom. No. 108. Ernesti, Clav. Ciceron. in Indice Legum). But I will observe that the *nefanda* Venus of the honest German is styled *averta* by the more polite Italian.

extorted by an act of violence, was insensibly abolished by the lapse of time and the multitude of criminals. By this law, the rape, perhaps the seduction of an ingenuous youth, was compensated, as a personal injury, by the poor damages of ten thousand sesterces, or fourscore pounds; the ravisher might be slain by the resistance or revenge of chastity; and I wish to believe, that at Rome, as in Athens, the voluntary and effeminate deserter of his sex was degraded from the honours and the rights of a citizen *. But the practice of vice was not discouraged by the severity of opinion: the indelible stain of manhood was confounded with the more venial transgressions of fornication and adultery, nor was the licentious lover exposed to the same dishonour which he impressed on the male or female partner of his guilt. From Catullus to Juvenal †, the poets accuse and celebrate the degeneracy of the times, and the reformation of manners was feebly attempted by the reason and authority of the civilians, till the most virtuous of the Cæsars proscribed the sin against nature as a crime against society ‡.

A new spirit of legislation, respectable even in its error, arose in the empire with the religion of Constantine §. The laws of Moses were received as the divine original of justice, and the Christian princes adapted their penal statutes to the degrees of moral and religious turpitude. Adultery was first declared to be a capital offence; the frailty of the sexes was assimilated to poison or assassination, to sorcery or parricide; the same penalties were inflicted on the passive and active guilt of pæderasty; and all criminals of free or servile con-

* See the oration of Eschines against the catamite Timarchus (in Reiske, *Orator. Græc.* tom. iii. p. 21—184.).

† A crowd of disgraceful passages will force themselves on the memory of the classic reader: I will only remind him of the cool declaration of Ovid :

Odi concubitus qui non utrumque resolvunt.

Illoc est quod puerum tangar amore minus.

‡ Aelius Lampridius, in *Vit. Hellogabal.* in *Hist. August.* p. 112. Aurelius Victor, in *Philippo*, *Codex Theodos.* l. ix. tit. vii. leg. 7. and Godefroy's *Commentary*, tom. iii. p. 63. Theodosius abolished the subterraneous brothels of Rome, in which the prostitution of both sexes was acted with impunity.

§ See the laws of Constantine and his successors against adultery, sodomy, &c. in the *Theodosian* (l. ix. tit. vii. leg. 7. l. xi. tit. xxvi. leg. 1. 4.) and *Justinian Codes* (l. ix. tit. ix. leg. 30, 31.). These princes speak the language of passion as well as of justice, and fraudulently ascribe their own severity to the first Cæsars.

dition were either drowned or beheaded, or cast alive into the avenging flames. The adulterers were spared by the common sympathy of mankind; but the lovers of their own sex were pursued by general and pious indignation: the impure manners of Greece still prevailed in the cities of Asia, and every vice was fomented by the celibacy of the monks and clergy. Justinian relaxed the punishment at least of female infidelity; the guilty spouse was only condemned to solitude and penance, and at the end of two years she might be recalled to the arms of a forgiving husband. But the same emperor declared himself the implacable enemy of unmanly lust, and the cruelty of his persecution can scarcely be excused by the purity of his motives*. In defiance of every principle of justice, he stretched to past as well as future offences the operations of his edicts, with the previous allowance of a short respite for confession and pardon. A painful death was inflicted by the amputation of the sinful instrument, or the insertion of sharp reeds into the pores and tubes of most exquisite sensibility; and Justinian defended the propriety of the execution, since the criminals would have lost their hands, had they been convicted of sacrilege. In this state of disgrace and agony, two bishops, Isaiah of Rhodes, and Alexander of Diospolis, were dragged through the streets of Constantinople, while their brethren were admonished by the voice of a crier, to observe this awful lesson, and not to pollute the sanctity of their character. Perhaps these prelates were innocent. A sentence of death and infamy was often founded on the slight and suspicious evidence of a child or a servant; the guilt of the green faction, of the rich, and of the enemies of Theodora, was presumed by the judges, and pæderasty became the crime of those to whom no crime could be imputed. A French philosopher† has dared to remark, that whatever is secret must be doubtful, and that our natural horror of vice may be abused as an engine of tyranny. But the favourable persuasion of the same writer, that a legislator may confide in the taste and reason of man-

* Justinian, *Novel.* lxxvii. cxxxiv. cxli. *Procopius*, in *Anecd.* c. 11. 16. with the *Notes* of *Alcmaunus*. *Theophanes*, p. 151. *Cedrenus*, p. 368. *Zonaras*, l. xiv. p. 64.

† *Montesquieu*, *Esprit des Loix*, l. xii. c. 6. That eloquent philosopher conceives the rights of liberty and of nature, which should never be placed in opposition to each other.

kind, is impeached by the unwelcome discovery of the antiquity and extent of the disease*.

The free citizens of Athens and Rome enjoyed, in all criminal cases, the invaluable privilege of being tried by their country†. 1. The administration of justice is the most ancient office of a prince: it was exercised by the Roman kings, and abused by Tarquin; who alone, without law or council, pronounced his arbitrary judgments. The first consuls succeeded to this regal prerogative; but the sacred right of appeal soon abolished the jurisdiction of the magistrates, and all public causes were decided by the supreme tribunal of the people. But a wild democracy, superior to the forms, too often disdains the essential principles of justice: the pride of despotism was envenomed by plebian envy, and the heroes of Athens might sometimes applaud the happiness of the Persian, whose fate depended on the caprice of a *single* tyrant. Some salutary restraints, imposed by the people on their own passions, were at once the cause and effect of the gravity and temperance of the Romans. The right of accusation was confined to the magistrates. A vote of the thirty-five tribes could inflict a fine; but the cognizance of all capital crimes was reserved by a fundamental law to the assembly of the centuries, in which the weight of influence and property was sure to preponderate. Repeated proclamations and adjournments were interposed, to allow time for prejudice and resentment to subside; the whole proceeding might be annulled by a

* For the corruption of Palestine, 2000 years before the Christian æra, see the history of the laws of Moses. Ancient Gaul is stigmatised by Diodorus Siculus (tom. i. l. v. p. 356.), China by the Mahometan and Christian travellers (Ancient relations of India and China, p. 34. translated by Renâudot, and his bitter critic the Père Premare, *Lettres Edifiantes* (tom. xix. p. 435.), and native America by the Spanish historians (Garcilasso de la Vega, l. iii. c. 13. Rycant's translation; and *Dictionaire de Bayle*, tom. iii. p. 88.). I believe, and hope, that the negroes, in their own country, were exempt from this moral pestilence.

† The important subject of the public questions and judgments at Rome is explained with much learning, and in a classic style, by Charles Sigonius (l. iii. de *Judiciis*, in *Opp.* tom. iii. 679—864.); and a good abridgment may be found in the *Republique Romaine* of Beaufort (tom. ii. l. v. p. 1—121.). Those who wish for more abstruse law, may study Noodt (*de Jurisdictione et Imperio Libri duo*, tom. i. p. 98—134.). Heineccius (*ad Pandect. l. i. et ii. ad Institut. l. iv. tit. xvii. Element. ad Antiquitat.*), and Gravina (*Opp.* 230—251.).

seasonable omen, or the opposition of a tribune; and such popular trials were commonly less formidable to innocence, than they were favourable to guilt. But this union of the judicial and legislative powers, left it doubtful whether the accused party was pardoned or acquitted; and in the defence of an illustrious client, the orators of Rome and Athens address their arguments to the policy and benevolence, as well as to the justice, of their sovereign. 2. The task of convening the citizens for the trial of each offender became more difficult, as the citizens and the offenders continually multiplied; and the ready expedient was adopted of delegating the jurisdiction of the people to the ordinary magistrates, or to extraordinary *inquisitors*. In the first ages these questions were rare and occasional. In the beginning of the seventh century of Rome they were made perpetual: four prætors were annually empowered to sit in judgment on the state offences of treason, extortion, peculation, and bribery: and Sylla added new prætors and new questions for those crimes which more directly injure the safety of individuals. By these *inquisitors* the trial was prepared and directed; but they could only pronounce the sentence of the majority of *judges*, who with some truth, and more prejudice, have been compared to the English juries*. To discharge this important though burthensome office, an annual list of ancient and respectable citizens was formed by the prætor. After many constitutional struggles, they were chosen in equal numbers from the senate, the equestrian order, and the people; four hundred and fifty were appointed for single questions; and the various rolls or *decuries* of judges must have contained the names of some thousand Romans, who represented the judicial authority of the state. In each particular cause, a sufficient number was drawn from the urn; their integrity was guarded by an oath; the mode of ballot secured their independence; the suspicion of partiality was removed by the mutual chal-

* The office, both at Rome and in England, must be considered as an occasional duty, and not a magistracy or profession. But the obligation of an unanimous verdict is peculiar to our laws, which condemn the juryman to undergo the torture from whence they have exempted the criminal.

lenges of the accuser and defendant; and the judges of Milo, by the retrenchment of fifteen on each side, were reduced to fifty-one voices or tablets, of acquittal, of condemnation, or of favourable doubt*. 3. In his civil jurisdiction, the prætor of the city was truly a judge, and almost a legislator; but as soon as he had prescribed the action of law, he often referred to a delegate the determination of the fact. With the increase of legal proceedings, the tribunal of the centumvirs, in which he presided, acquired more weight and reputation. But whether he acted alone, or with the advice of his council, the most absolute powers might be trusted to a magistrate who was annually chosen by the votes of the people. The rules and precautions of freedom have required some explanation; the order of despotism is simple and inanimate. Before the age of Justinian, or perhaps of Diocletian, the decuries of Roman judges had sunk to an empty title: the humble advice of the assessors might be accepted or despised; and in each tribunal the civil and criminal jurisdiction was administered by a single magistrate, who was raised and disgraced by the will of the emperor.

A Roman accused of any capital crime might prevent the sentence of the law by voluntary exile, or death. Till his guilt had been legally proved, his innocence was presumed, and his person was free: till the votes of the last *century* had been counted and declared, he might peaceably secede to any of the allied cities of Italy, or Greece, or Asia†. His fame and fortunes were preserved, at least to his children, by this civil death; and he might still be happy in every rational and sensual enjoyment, if a mind accustomed to the ambitious tumult of Rome could support the uniformity and silence of Rhodes or Athens. A bolder effort was required to escape from the tyranny of the Cæsars; but this effort was rendered familiar by the maxims of the Stoics, the example of the bravest Romans, and the legal encouragements of

* We are indebted for this interesting fact to a fragment of Asconius Pedianus, who flourished under the reign of Tiberius. The loss of his Commentaries on the Orations of Cicero has deprived us of a valuable fund of historical and legal knowledge.

† Polyb. l. vi. p. 643. The extension of the empire and city of Rome, obliged the exile to seek a more distant place of retirement.

suicide. The bodies of condemned criminals were exposed to public ignominy, and their children, a more serious evil, were reduced to poverty by the confiscation of their fortunes. But if the victims of Tiberius and Nero anticipated the decree of the prince or senate, their courage and dispatch were recompensed by the applause of the public, the decent honours of burial, and the validity of their testaments*. The exquisite avarice and cruelty of Domitian appear to have deprived the unfortunate of this last consolation, and it was still denied even by the clemency of the Antonines. A voluntary death, which, in the case of a capital offence, intervened between the accusation and the sentence, was admitted as a confession of guilt, and the spoils of the deceased were seized by the inhuman claims of the treasury†. Yet the civilians have always respected the natural right of a citizen to dispose of his life; and the posthumous disgrace invented by Tarquin‡ to check the despair of his subjects, was never revived or imitated by succeeding tyrants. The power of this world have indeed lost their dominion over him who is resolved on death; and his arm can only be restrained by the religious apprehension of a future state. Suicides are enumerated by Virgil among the unfortunate, rather than the guilty§; and the poetical fables of the infernal shades could not seriously influence the faith or practice of mankind. But the precepts of the gospel, or the church, have at length imposed a pious servitude on the minds of Christians, and condemn them to expect, without a murmur, the last stroke of disease or the executioner.

* Qui de se statuebant, humabantur corpora, manebant testamenta; pretium festinandi. Tacit. *Annal.* vi. 25. with the Notes of Lipsius.

† Julius Paulus (*Sentent. Recept.* l. v. tit. xii. p. 476.), the Pandects (l. xlviii. tit. xxi.), the Code (l. ix. tit. l.), Bynkershoek (tom. i. p. 59. *Observat. J. C. R.* iv. 4.), and Montesquieu (*Esprit des Loix*, l. xxix. c. 9.), define the civil limitations of the liberty and privileges of suicide. The criminal penalties are the production of a later and darker age.

‡ Plin. *Hist. Natur.* xxxvi. 24. When he fatigued his subjects in building the Capitol, many of the labourers were provoked to dispatch themselves; he nailed their dead bodies to crosses.

§ The sole resemblance of a violent and premature death has engaged Virgil (*Æneid*, vi. 454—459.) to confound suicides with infants, lovers, and persons unjustly condemned. Heyne, the best of his editors, is at a loss to deduce the idea, or ascertain the jurisprudence, of the Roman poet.

The penal statutes form a very small proportion of the sixty-two books of the Code and Pandects: and, in all judicial proceeding, the life or death of a citizen is determined with less caution and delay than the most ordinary question of covenant or inheritance. This singular distinction, though something may be allowed for the urgent necessity of defending the peace of society, is derived from the nature of criminal and civil jurisprudence. Our duties to the state are simple and uniform; the law by which he is condemned, is inscribed not only on brass or marble, but on the conscience of the offender, and his guilt is commonly proved by the testimony of a single fact. But our relations to each other are various and infinite: our obligations are created, annulled, and modified, by injuries, benefits, and promises; and the interpretation of voluntary contracts and testaments, which are often dictated by fraud or ignorance, affords a long and laborious exercise to the sagacity of the judge. The business of life is multiplied by the extent of commerce and dominion, and the residence of the parties in the distant provinces of an empire, is productive of doubt, delay, and inevitable appeals from the local to the supreme magistrate. Justinian, the Greek emperor of Constantinople and the East, was the legal successor of the Latin shepherd who had planted a colony on the banks of the Tyber. In a period of thirteen hundred years, the laws had reluctantly followed the changes of government and manners; and the laudable desire of conciliating ancient names with recent institutions, destroyed the harmony, and swelled the magnitude, of the obscure and irregular system. The laws which excuse on any occasions the ignorance of their subjects, confess their own imperfections; the civil jurisprudence, as it was abridged by Justinian, still continued a mysterious science and a profitable trade, and the innate perplexity of the study was involved in tenfold darkness by the private industry of the practitioners. The expence of the pursuit sometimes exceeded the value of the prize, and the fairest rights were abandoned by the poverty or prudence of the claimants. Such costly justice might tend to abate the spirit of litigation, but the unequal pressure serves only to increase the influence of the rich, and to aggravate the misery of

the poor. By these dilatory and expensive proceedings, the wealthy pleader obtains a more certain advantage than he could hope from the accidental corruption of his judge. The experience of an abuse, from which our own age and country are not perfectly exempt, may sometimes provoke a generous indignation, and extort the hasty wish of exchanging our elaborate jurisprudence for the simple and summary decrees of a Turkish cadhi. Our calmer reflection will suggest, that such forms and delays are necessary to guard the person and property of the citizen; that the discretion of the judge is the first engine of tyranny, and that the laws of a free people should foresee and determine every question that may probably arise in the exercise of power and the transactions of industry. But the government of Justinian united the evils of liberty and servitude; and the Romans were oppressed at the same time by the multiplicity of their laws and the arbitrary will of their master.

CHAP. XLV.

Reign of the younger Justin.—Embassy of the Avars.—Their Settlement on the Danube.—Conquest of Italy by the Lombards.—Adoption and Reign of Tiberius.—Of Maurice.—State of Italy under the Lombards and the Exarchs.—Of Ravenna.—Distress of Rome.—Character and Pontificate of Gregory the First.

DURING the last years of Justinian, his infirm mind was devoted to heavenly contemplation, and he neglected the business of the lower world. His subjects were impatient of the long continuance of his life and reign: yet all who were capable of reflection, apprehended the moment of his death, which might involve the capital in tumult, and the empire in civil war. Seven nephews* of the childless monarch, the sons or grandsons of his brother and sister, had been educated in the splendour of a princely fortune; they had been shewn in high commands to the provinces and armies; their characters were known, their followers were zealous, and as the jealousy of age postponed the declaration of a successor, they might expect with equal hopes the inheritance of their uncle. He expired in his palace after a reign of thirty-eight years; and the decisive opportunity was embraced by the friends of Justin the son of Vigilantia†. At the hour of midnight, his domestics were awakened by an importunate crowd, who thundered at his door, and obtained admittance by revealing themselves to be the principal members of the senate. These welcome deputies announced the recent and momentous secret of the emperor's decease: reported, or perhaps invented, his dying choice of the best

* See the family of Justin and Justinian in the *Familia Byzantine* of Ducange, p. 89—101. The devout civilians Ludewig (in *Vit. Justinian*, p. 131.) and Heineccius (*Hist. Juris Roman.* p. 374.) have since illustrated the genealogy of their favourite prince.

† In the story of Justin's elevation I have translated into simple and concise prose, the eight hundred verses of the two first books of Corippus, *de Laudibus Justin*, Appendix *Hist. Byzant.* p. 401—416. Rome, 1777.

beloved and most deserving of his nephews, and conjured Justin to prevent the disorders of the multitude, if they should perceive, with the return of light, that they were left without a master. After composing his countenance to surprise, sorrow, and decent modesty, Justin, by the advice of his wife Sophia, submitted to the authority of the senate. He was conducted with speed and silence to the palace; the guards saluted their new sovereign, and the martial and religious rites of his coronation were diligently accomplished. By the hands of the proper officers he was invested with the Imperial garments, the red buskins, white tunic, and purple robe. A fortunate soldier, whom he instantly promoted to the rank of tribune, encircled his neck with a military collar; four robust youths exalted him on a shield; he stood firm and erect to receive the adoration of his subjects; and their choice was sanctified by the benediction of the patriarch, who imposed the diadem on the head of an orthodox prince. The hippodrome was already filled with innumerable multitudes; and no sooner did the emperor appear on his throne, than the voices of the blue and the green factions were confounded in the same loyal acclamations. In the speeches which Justin addressed to the senate and people, he promised to correct the abuses which had disgraced the age of his predecessor, displayed the maxims of a just and beneficent government, and declared, that on the approaching calends of January*, he would revive in his own person the name and liberality of a Roman consul. The immediate discharge of his uncle's debts exhibited a solid pledge of his faith and generosity; a train of porters laden with bags of gold advanced into the midst of the hippodrome, and the hopeless creditors of Justinian accepted this equitable payment as a voluntary gift. Before the end of three years, his example was imitated and surpassed by the empress Sophia, who delivered many indigent citizens from the weight of debt and usury; an act of benevolence the best entitled to gratitude, since it relieves the most intolerable distress; but

* It is surprising how Pagi (*Critica in Annal. Baron. tom. ii. p. 639.*) could be tempted by any chronicles to contradict the plain and decisive text of Corippus (*vicina dona, l. ii. 354. vicina dies, l. iv. i.*), and to postpone, till A.D. 567, the consulship of Justin.

in which the bounty of a prince is the most liable to be abused by the claims of prodigality and fraud*.

On the seventh day of his reign, Justin gave audience to the ambassadors of the Avars, and the scene was decorated to impress the Barbarians with astonishment, veneration, and terror. From the palace gate, the spacious courts and long porticoes were lined with the lofty crests and gilt bucklers of the guards, who presented their spears and axes with more confidence than they would have shewn in a field of battle. The officers who exercised the power, or attended the person of the prince, were attired in their richest habits, and arranged according to the military and civil order of the hierarchy. When the veil of the sanctuary was withdrawn, the ambassadors beheld the emperor of the East on his throne, beneath a canopy or dome, which was supported by four columns, and crowned with a winged figure of victory. In the first emotions of surprise, they submitted to the servile adoration of the Byzantine court; but as soon as they rose from the ground, Targetius, the chief of the embassy, expressed the freedom and pride of a Barbarian. He extolled, by the tongue of his interpreter, the greatness of the chagan, by whose clemency the kingdoms of the South were permitted to exist, whose victorious subjects had traversed the frozen rivers of Scythia, and who now covered the banks of the Danube with innumerable tents. The late emperor had cultivated, with annual and costly gifts, the friendship of a grateful monarch, and the enemies of Rome had respected the allies of the Avars. The same prudence would instruct the nephew of Justinian to imitate the liberality of his uncle, and to purchase the blessings of peace from an invincible people, who delighted and excelled in the exercise of war. The reply of the emperor was delivered in the same strain of haughty defiance, and he derived his confidence from the God of the Christians, the ancient glory of Rome, and the recent triumphs of Justinian. "The empire," said he, "abounds with men and horses, and arms sufficient to defend our frontiers, and to chastise the Barbarians. You offer aid, you threaten hostilities; we

* Theophan. Chronograph. p. 205. Whenever Cedrenus or Zonaras are mere transcribers, it is superfluous to allege their testimony.

“despise your enmity and your aid. The conquerors of
 “the Avars solicit our alliance; shall we dread their fugi-
 “tives and exiles*? The bounty of our uncle was granted
 “to your misery, to your humble prayers. From us you
 “shall receive a more important obligation, the knowledge
 “of your own weakness. Retire from our presence; the
 “lives of ambassadors are safe; and if you return to im-
 “plore our pardon, perhaps you will taste of our benevo-
 “lence†.” On the report of his ambassadors, the chagan
 was awed by the apparent firmness of a Roman emperor, of
 whose character and resources he was ignorant. Instead of
 executing his threats against the eastern empire, he marched
 into the poor and savage countries of Germany, which were
 subject to the dominion of the Franks. After two doubtful
 battles, he consented to retire, and the Austrasian king re-
 lieved the distress of his camp with an immediate supply of
 corn and cattle‡. Such repeated disappointments had
 chilled the spirit of the Avars, and their power would have
 dissolved away in the Sarmatian desert, if the alliance of
 Alboin, king of the Lombards, had not given a new object
 to their arms, and a lasting settlement to their wearied for-
 tunes.

While Alboin served under his father's standard, he en-
 countered in battle, and transpierced with his lance, the
 rival prince of the Gepidæ. The Lombards, who applauded
 such early prowess, requested his father with unanimous ac-
 clamations, that the heroic youth, who had shared the dan-

* Corippus, l. iii. 399. The unquestionable sense relates to the Turks, the conquerors of the Avars; but the word *scultor* has no apparent meaning, and the sole MS. of Corippus, from whence the first edition (1681, apud Plantin) was printed, is no longer visible. The last editor, Foggini of Rome, has inserted the conjectural emendation of *soltan*: but the proofs of Ducauge (Joinville, Dissert. x. i. p. 238.—240.) for the early use of this title among the Turks and Persians, are weak or ambiguous. And I must incline to the authority of d'Hérbelot (Bibliothèque Orient. p. 825), who ascribes the word to the Arabic and Chaldaean tongues, and the date to the beginning of the xth century, when it was bestowed by the khalif of Bagdad on Mahomad prince of Gezna, and conqueror of India.

† For these characteristic speeches, compare the verse of Corippus (l. iii. 251—401.) with the prose of Menander (Excerpt. Legat. p. 102, 103.). Their diversity proves that they did not copy each other; their resemblance; that they drew from a common original.

‡ For the Austrasian war, see Menander (Excerpt. Legat. p. 110.), Gregory of Tours (Hist. Franc. l. iv. c. 29), and Paul the deacon (de Gest. Langobard. l. ii. c. 10.).

gers of the field, might be admitted to the feast of victory. "You are not unmindful," replied the inflexible Audoin, "of the wise customs of our ancestors. Whatever may be his merit, a prince is incapable of sitting at table with his father till he has received his arms from a foreign and royal hand." Alboin bowed with reverence to the institutions of his country; selected forty companions, and boldly visited the court of Turisund king of the Gepidæ, who embraced and entertained, according to the laws of hospitality, the murderer of his son. At the banquet, whilst Alboin occupied the seat of the youth whom he had slain, a tender remembrance arose in the mind of Turisund. "How dear is that place—how hateful is that person—" were the words that escaped, with a sigh, from the indignant father. His grief exasperated the national resentment of the Gepidæ; and Cunimund, his surviving son, was provoked by wine, or fraternal affection, to the desire of vengeance. "The Lombards," said the rude Barbarian, "resemble, in figure and in smell, the mares of our Sarmanian plains." And this insult was a coarse allusion to the white bands which enveloped their legs. "Add another resemblance," replied an audacious Lombard; "you have felt how strongly they kick. Visit the plain of Asfeld, and seek for the bones of thy brother; they are mingled with those of the vilest animals." The Gepidæ, a nation of warriors, started from their seats, and the fearless Alboin, with his forty companions, laid their hands on their swords. The tumult was appeased by the venerable interposition of Turisund. He saved his own honour, and the life of his guest; and after the solemn rites of investiture, dismissed the stranger in the bloody arms of his son; the gift of a weeping parent. Alboin returned in triumph; and the Lombards, who celebrated his matchless intrepidity, were compelled to praise the virtues of an enemy*. In this extraordinary visit he had probably seen the daughter of Cunimund, who soon after ascended the throne of the Gepidæ. Her name was Rosamond, an appellation expres-

* Paul Warnefrid, the deacon of Friuli, *de Gest. Langobard.* l. i. c. 23, 24. His pictures of national manners, though rudely sketched, are more lively and faithful than those of Bede, or Gregory of Tours.

sive of female beauty, and which our own history or romance has consecrated to amorous tales. The king of the Lombards (the father of Alboin no longer lived) was contracted to the grand-daughter of Clovis; but the restraints of faith and policy soon yielded to the hope of possessing the fair Rosamond, and of insulting her family and nation. The arts of persuasion were tried without success; and the impatient lover, by force and stratagem, obtained the object of his desires. War was the consequence which he foresaw and solicited; but the Lombards could not long withstand the furious assault of the Gepidæ, who were sustained by a Roman army. And as the offer of marriage was rejected with contempt, Alboin was compelled to relinquish his prey, and to partake of the disgrace which he had inflicted on the house of Cunimund*.

When a public quarrel is envenomed by private injuries, a blow that is not mortal or decisive, can be productive only of a short truce, which allows the unsuccessful combatant to sharpen his arms for a new encounter. The strength of Alboin had been found unequal to the gratification of his love, ambition and revenge: he condescended to implore the formidable aid of the chagan; and the arguments that he employed are expressive of the art and policy of the Barbarians. In the attack of the Gepidæ, he had been prompted by the just desire of extirpating a people whom their alliance with the Roman empire had rendered the common enemies of the nations, and the personal adversaries of the chagan. If the forces of the Avars and the Lombards should unite in this glorious quarrel, the victory was secure, and the reward inestimable: the Danube, the Hebrus, Italy, and Constantinople, would be exposed, without a barrier, to their invincible arms. But if they hesitated or delayed to prevent the malice of the Romans, the same spirit which had insulted, would pursue the Avars to the extremity of the earth. These specious reasons were heard by the chagan with coldness and disdain: he detained the Lombard ambassadors in his camp, protracted the negotiation, and by turns alleged his want of inclination, or

* The story is told by an impostor (*Theophylact. Simocat. l. vi. c. 10.*); but he had art enough to build his fictions on public and notorious facts.

his want of ability, to undertake this important enterprise. At length he signified the ultimate price of his alliance, that the Lombards should immediately present him with the tithe of their cattle; that the spoils and captives should be equally divided: but that the lands of the Gepidæ should become the sole patrimony of the Avars. Such hard conditions were eagerly accepted by the passions of Alboin; and as the Romans were dissatisfied with the ingratitude and perfidy of the Gepidæ, Justin abandoned that incorrigible people to their fate, and remained the tranquil spectator of this unequal conflict. The despair of Cunimund was active and dangerous. He was informed that the Avars had entered his confines; but on the strong assurance, that, after the defeat of the Lombards, these foreign invaders would easily be repelled, he rushed forwards to encounter the implacable enemy of his name and family. But the courage of the Gepidæ could secure them no more than an honourable death. The bravest of the nation fell in the field of battle; the king of the Lombards contemplated with delight the head of Cunimund, and his skull was fashioned into a cup to satiate the hatred of the conqueror, or, perhaps, to comply with the savage custom of his country*. After this victory, no farther obstacle could impede the progress of the confederates, and they faithfully executed the terms of their agreement†. The fair countries of Walachia, Moldavia, Transylvania, and the parts of Hungary beyond the Danube, were occupied, without resistance, by a new colony of Scythians; and the Dacian empire of the chagans subsisted with splendour above two hundred and thirty years. The nation of the Gepidæ was dissolved; but in the distribution of the captives, the slaves of the Avars were less fortunate than the companions of the Lombards, whose generosity adopted a valiant foe, and whose freedom was incompatible with cool and deliberate

* It appears from Strabo, Pliny, and Ammianus Marcellinus, that the same practice was common among the Scythian tribes; (Muratori, *Scriptores Rer. Italic.* tom. i. p. 424.). The *scalps* of North America are likewise trophies of valour. The skull of Cunimund was preserved above two hundred years among the Lombards; and Paul himself was one of the guests to whom duke Ratchis exhibited this cup on a high festival (l. ii. c. 28.).

† Paul, l. i. c. 27. Menander, in *Excerpt. Legat.* p. 110, 111.

tyranny. One moiety of the spoil introduced into the camp of Alboin more wealth than a Barbarian could readily compute. The fair Rosamond was persuaded, or compelled, to acknowledge the rights of her victorious lover; and the daughter of Cunimund appeared to forgive those crimes which might be imputed to her own irresistible charms.

The destruction of a mighty kingdom established the fame of Alboin. In the days of Charlemagne, the Bavarians, the Saxons, and the other tribes of the Teutonic language, still repeated the songs which described the heroic virtues, the valour, liberality, and fortune of the king of the Lombards*. But his ambition was yet unsatisfied; and the conqueror of the Gepidæ turned his eyes from the Danube to the richer banks of the Po and the Tyber. Fifteen years had not elapsed, since his subjects, the confederates of Narses, had visited the pleasant climate of Italy; the mountains, the rivers, the highways, were familiar to their memory: the report of their success, perhaps the view of their spoils, had kindled in the rising generation the flame of emulation and enterprise. Their hopes were encouraged by the spirit and eloquence of Alboin; and it is affirmed, that he spoke to their senses, by producing, at the royal feast, the fairest and most exquisite fruits that grew spontaneously in the garden of the world. No sooner had he erected his standard, than the native strength of the Lombards was multiplied by the adventurous youth of Germany and Scythia. The robust peasantry of Noricum and Pan-
nomia had resumed the manners of Barbarians; and the names of the Gepidæ, Bulgarians, Sarmatians, and Bavarians, may be distinctly traced in the provinces of Italy†. Of the Saxons, the old allies of the Lombards, twenty

* *Ut hactenus etiam tam apud Bajoariorum gentem, quam et Saxonum sed et alios ejusdem linguæ homines, . . . in eorum carminibus celebretur.* Paul, l. i. c. 27. He died A.D. 790 (Muratori, in *Præfat.* tom. i. p. 397.). These German songs, some of which might be as old as Tacitus (*de Moribus Germ.* c. 2.), were compiled and transcribed by Charlemagne. *Barbara et antiquissima carmina, quibus veterum regum actus et bella canebantur scripsit memoriæque mandavit* (Eginard, in *Vit. Carol. Magn.* c. 29. p. 130, 131.). The poems which Goldast commends (*Animadvers. ad Eginard.* p. 207.), appear to be recent and contemptible romances.

† The other nations are rehearsed by Paul (l. ii. c. 6. 26.). Muratori (*Antichita Italiane*, tom. i. *dissert.* i. p. 4.) has discovered the village of the Bavarians, three miles from Modena.

thousand warriors, with their wives and children, accepted the invitation of Alboin. Their bravery contributed to his success; but the accession or the absence of their numbers was not sensibly felt in the magnitude of his host. Every mode of religion was freely practised by its respective votaries. The king of the Lombards had been educated in the Arian heresy; but the Catholics, in their public worship, were allowed to pray for his conversion; while the more stubborn Barbarians sacrificed a she-goat, or perhaps a captive, to the gods of their fathers*. The Lombards, and their confederates, were united by their common attachment to a chief, who excelled in all the virtues and vices of a savage hero; and the vigilance of Alboin provided an ample magazine of offensive and defensive arms for the use of the expedition. The portable wealth of the Lombards attended the march; their lands they cheerfully relinquished to the Avars, on the solemn promise, which was made and accepted without a smile, that if they failed in the conquest of Italy, these voluntary exiles should be reinstated in their former possessions.

They might have failed, if Narses had been the antagonist of the Lombards; and the veteran warriors, the associates of his Gothic victory, would have encountered with reluctance an enemy whom they dreaded and esteemed. But the weakness of the Byzantine court was subservient to the Barbarian cause; and it was for the ruin of Italy, that the emperor once listened to the complaints of his subjects. The virtues of Narses were stained with avarice; and in his provincial reign of fifteen years he accumulated a treasure of gold and silver which surpassed the modesty of a private fortune. His government was oppressive or unpopular, and the general discontent was expressed with freedom by the deputies of Rome. Before the throne of Justin they boldly declared, that their Gothic servitude had been more tolerable than the despotism of a Greek eunuch; and that, unless their tyrant were instantly removed, they would con-

* Gregory the Roman (*Dialog.* l. iii. c. 27, 28. apud Baron. *Annal. Eccles.* A.D. 579, No. 10.), supposes that they likewise adored this she-goat. I know but of one religion in which the god and the victim are the same.

sult their own happiness in the choice of a master. The apprehension of a revolt was urged by the voice of envy and detraction, which had so recently triumphed over the merit of Belisarius. A new exarch, Longinus, was appointed to supersede the conqueror of Italy, and the base motives of his recall were revealed in the insulting mandate of the empress Sophia, "that he should leave to *men* the exercise of arms, and return to his proper station among the maidens of the palace, where a distaff should be again placed in the hand of the eunuch." "I will spin her such a thread, as she shall not easily unravel!" is said to have been the reply which indignation and conscious virtue extorted from the hero. Instead of attending, a slave and a victim, at the gate of the Byzantine palace, he retired to Naples, from whence (if any credit is due to the belief of the times) Narses invited the Lombards to chastise the ingratitude of the prince and people*. But the passions of the people are furious and changeable, and the Romans soon recollected the merits, or dreaded the resentment, of their victorious general. By the mediation of the pope, who undertook a special pilgrimage to Naples, their repentance was accepted; and Narses, assuming a milder aspect and a more dutiful language, consented to fix his residence in the Capitol. His death†, though in the extreme period of old age, was unseasonable and premature, since *his* genius alone could have repaired the last and fatal error of his life. The reality, or the suspicion, of a conspiracy disarmed and disunited the Italians. The soldiers resented the disgrace, and bewailed the loss, of their general. They were ignorant of their new exarch; and Longinus was himself ignorant of

* The charge of the deacon against Narses (l. ii. c. 5.) may be groundless; but the weak apology of the cardinal (Baron. Annal. Eccles. A.D. 567, No. 8—12.) is rejected by the best critics—Pagi (tom. ii. p. 639, 640.), Muratori (Annali d'Italia, tom. v. p. 160—163.), and the last editors, Horatius Blancus (Script. Rerum Italic. tom. i. p. 427, 428.) and Philip Argelatus (Sigon. Opera, tom. ii. p. 11, 12.). The Narses who assisted at the coronation of Justin (Corippus, l. iii. 221.) is clearly understood to be a different person.

† The death of Narses is mentioned by Paul, l. ii. c. 11. Anastas. in Vit. Johan. iii. p. 43. Agnellus, Liber Pontifical. Raven. in Script. Rer. Italicarum, tom. ii. part i. p. 114. 124. Yet I cannot believe with Agnellus that Narses was ninety-five years of age. Is it probable that all his exploits were performed at fourscore?

the state of the army and the province. In the preceding years Italy had been desolated by pestilence and famine, and a disaffected people ascribed the calamities of Nature, to the guilt or folly of their rulers*.

Whatever might be the grounds of his security, Alboin neither expected nor encountered a Roman army in the field. He ascended the Julian Alps, and looked down with contempt and desire on the fruitful plains to which his victory communicated the perpetual appellation of *LOMBARDY*. A faithful chieftain, and a select band, were stationed at Forum Julii, the modern Friuli, to guard the passes of the mountains. The Lombards respected the strength of Pavia, and listened to the prayers of the Trevisans: their slow and heavy multitudes proceeded to occupy the palace and city of Verona; and Milau, now rising from her ashes, was invested by the powers of Alboin five months after his departure from Pannonia. Terror preceded his march; he found every where, or he left, a dreary solitude; and the pusillanimous Italians presumed, without a trial, that the stranger was invincible. Escaping to lakes, or rocks, or morasses, the affrighted crowds concealed some fragments of their wealth, and delayed the moment of their servitude. Paulinus, the patriarch of Aquileia, removed his treasures, sacred and profane, to the isle of Grado†, and his successors were adopted by the infant republic of Venice, which was continually enriched by the public calamities. Honoratus, who filled the chair of St. Ambrose, had credulously accepted the faithless offers of a capitulation; and the archbishop, with the clergy and nobles of Milan, were driven by the perfidy of Alboin to seek a refuge in the less accessible ramparts of Genoa. Along the maritime coast, the courage

* The designs of Narses and of the Lombards for the invasion of Italy, are exposed in the last chapter of the first book, and the seven first chapters of the second book, of Paul the deacon.

† Which from this translation was called new Aquileia (*Chron. Venet.* p. 8.). The patriarch of Grado soon became the first citizen of the republic (p. 9, &c.), but his seat was not removed to Venice till the year 1450. He is now decorated with titles and honours; but the genius of the church has bowed to that of the state, and the government of a Catholic city is strictly Presbyterian. Thomassin, *Discipline de l'Eglise*, tom. i. p. 156, 157. 161—165. Amelot de la Houssaye, *Gouvernement de Venise*, tom. i. p. 256—261.

of the inhabitants was supported by the facility of supply; the hopes of relief, and the power of escape; but from the Trentine hills to the gates of Ravenna and Rome, the inland regions of Italy became, without a battle or a siege, the lasting patrimony of the Lombards. The submission of the people invited the Barbarian to assume the character of a lawful sovereign, and the helpless exarch was confined to the office of announcing to the emperor Justin, the rapid and irretrievable loss of his provinces and cities*. One city, which had been diligently fortified by the Goths, resisted the arms of a new invader; and while Italy was subdued by the flying detachments of the Lombards, the royal camp was fixed above three years before the western gate of Ticinum; or Pavia. The same courage which obtains the esteem of a civilized enemy, provokes the fury of a savage, and the impatient besieger had bound himself by a tremendous oath, that age, and sex, and dignity, should be confounded in a general massacre. The aid of famine at length enabled him to execute his bloody vow; but as Alboin entered the gate, his horse stumbled, fell, and could not be raised from the ground. One of his attendants was prompted by compassion, or piety, to interpret this unaccountable sign of the wrath of Heaven: the conqueror paused and relented; he sheathed his sword, and, peacefully reposing himself in the palace of Theodoric, proclaimed to the trembling multitude, that they should live and obey. Delighted with the situation of a city, which was endeared to his pride by the difficulty of the purchase, the prince of the Lombards disdained the ancient glories of Milan; and Pavia, during some ages was respected as the capital of the kingdom of Italy†.

The reign of the founder was splendid and transient; and before he could regulate his new conquests, Alboin fell a sacrifice to domestic treason and female revenge. In a

* Paul has given a description of Italy, as it was then divided into eighteen regions (l. ii. c. 14—24.). The *Dissertatio Chorographica de Italiâ Mediæ Ævi*, by Father Beretti, a Benedictine Monk, and regius professor at Pavia, has been usefully consulted.

† For the conquest of Italy, see the original materials of Paul (l. ii. c. 7—10 12 14. 25, 26, 27.), the eloquent narrative of Sigonius (tom. ii. de Regno Italiæ, l. i. p. 18—19.), and the correct and critical review of Muratori (*Annali d'Italia*, tom. v. p. 164—180).

palace near Verona, which had not been erected for the Barbarians, he feasted the companions of his arms; intoxication was the reward of valour, and the king himself was tempted by appetite, or vanity, to exceed the ordinary measure of his intemperance. After draining many capacious bowls of Rhætian or Falernian wine, he called for the skull of Cunimund, the noblest and most precious ornament of his sideboard. The cup of victory was accepted with horrid applause by the circle of the Lombard chiefs. "Fill it again with wine," exclaimed the inhuman conqueror, "fill it to the brim; carry this goblet to the queen, and request in my name that she would rejoice with her father." In an agony of grief and rage, Rosamond had strength to utter, "Let the will of my lord be obeyed!" and touching it with her lips, pronounced a silent imprecation, that the insult should be washed away in the blood of Alboin. Some indulgence might be due to the resentment of a daughter, if she had not already violated the duties of a wife. Implacable in her enmity, or inconstant in her love, the queen of Italy had stooped from the throne to the arms of a subject, and Helmichis, the king's armour-bearer, was the secret minister of her pleasure and revenge. Against the proposal of the murder, he could no longer urge the scruples of fidelity or gratitude; but Helmichis trembled, when he revolved the danger as well as the guilt, when he recollected the matchless strength and intrepidity of a warrior, whom he had so often attended in the field of battle. He pressed, and obtained, that one of the bravest champions of the Lombards should be associated to the enterprise, but no more than a promise of secrecy could be drawn from the gallant Peredeus; and the mode of seduction employed by Rosamond betrays her shameless insensibility both to honour and love. She supplied the place of one of her female attendants who was beloved by Peredeus, and contrived some excuse for darkness and silence, till she could inform her companion that he had enjoyed the queen of the Lombards, and that his own death, or the death of Alboin must be the consequence of such treasonable adultery. In this alternative, he chose rather to be the accomplice

than the victim of Rosamond*, whose undaunted spirit was incapable of fear or remorse. She expected, and soon found a favourable moment, when the king, oppressed with wine, had retired from the table to his afternoon slumbers. His faithless spouse was anxious for his health and repose: the gates of the palace were shut, the arms removed, the attendants dismissed, and Rosamond, after lulling him to rest by her tender caresses, unbolted the chamber door, and urged the reluctant conspirators to the instant execution of the deed. On the first alarm, the warrior started from his couch; his sword, which he attempted to draw, had been fastened to the scabbard by the hand of Rosamond; and a small stool, his only weapon, could not long protect him from the spears of the assassins. The daughter of Cunimund smiled in his fall; his body was buried under the staircase of the palace, and the grateful posterity of the Lombards revered the tomb and the memory of their victorious leader.

The ambitious Rosamond aspired to reign in the name of her lover; the city and palace of Verona were awed by her power, and a faithful band of her native Gepidæ was prepared to applaud the revenge, and to second the wishes, of their sovereign. But the Lombard chiefs, who fled in the first moments of consternation and disorder, had resumed their courage and collected their powers; and the nation, instead of submitting to her reign, demanded, with unanimous cries, that justice should be executed on the guilty spouse and the murderers of their king. She sought a refuge among the enemies of her country, and a criminal who deserved the abhorrence of mankind was protected by the selfish policy of the exarch. With her daughter, the heiress of the Lombard throne, her two lovers, her trusty Gepidæ, and the spoils of the palace of Verona, Rosamond descended the Adige and the Po, and was transported by a Greek vessel to the safe harbour of Ravenna. Longinus beheld with delight the charms and the treasures of the widow of Alboin: her situa-

* The classical reader will recollect the wife and murder of Candaules, so agreeably told in the first book of Herodotus. The choice of Gyges, *αἰσθηταὶ αὐτοῦ περιουῖαι*, may serve as the excuse of Peredus; and this soft insinuation of an odious idea has been imitated by the best writers of antiquity (Grævius, ad Ciceron. Orat. pro Milone, c. 10.).

tion and her past conduct might justify the most licentious proposals; and she readily listened to the passion of a minister, who, even in the decline of the empire, was respected as the equal of kings. The death of a jealous lover was an easy and grateful sacrifice, and as Helmichis issued from the bath, he received the deadly potion from the hand of his mistress. The taste of the liquor, its speedy operation, and his experience of the character of Rosamond, convinced him that he was poisoned: he pointed his dagger to her breast, compelled her to drain the remainder of the cup, and expired in a few minutes, with the consolation that she could not survive to enjoy the fruits of her wickedness. The daughter of Alboin and Rosamond, with the richest spoils of the Lombards, was embarked for Constantinople; the surprising strength of Peredius amused and terrified the Imperial court: his blindness and revenge exhibited an imperfect copy of the adventures of Sampson. By the free suffrage of the nation, in the assembly of Pavia, Clepho, one of their noblest chiefs, was elected as the successor of Alboin. Before the end of eighteen months, the throne was polluted by a second murder; Clepho was stabbed by the hand of a domestic; the regal office was suspended above ten years, during the minority of his son Autharis; and Italy was divided and oppressed by a ducal aristocracy of thirty tyrants*.

When the nephew of Justinian ascended the throne, he proclaimed a new æra of happiness and glory. The annals of the second Justin† are marked with disgrace abroad and misery at home. In the West, the Roman empire was afflicted by the loss of Italy, the desolation of Africa, and the conquests of the Persians. Injustice prevailed both in the capital and the provinces; the rich trembled for their property, the poor for their safety, the ordinary magistrates were ignorant or venal, the occasional remedies appear to have

* See the history of Paul, l. ii. c. 32-33. I have borrowed some interesting circumstances from the Liber Pontificalis of Agnellus, in Script. Rav. Ital. tom. ii. p. 194. Of all chronological guides, Mutarelli is the safest.

† The original authors for the reign of Justin the younger, are Theophanes, in Chronograph. p. 10-12. Theophanes, in Chronograph. p. 10-12. Theophanes, in Chronograph. p. 10-12. Theophanes, in Chronograph. p. 10-12. Theophanes, in Chronograph. p. 10-12.

been arbitrary and violent, and the complaints of the people could no longer be silenced by the splendid names of a legislator and a conqueror. The opinion which imputes to the prince all the calamities of his times, may be countenanced by the historian as a serious truth or a salutary prejudice. Yet a candid suspicion will arise, that the sentiments of Justin were pure and benevolent, and that he might have filled his station without reproach, if the faculties of his mind had not been impaired by disease, which deprived the emperor of the use of his feet, and confined him to the palace, a stranger to the complaints of the people and the vices of the government. The tardy knowledge of his own impotence determined him to lay down the weight of the diadem; and in the choice of a worthy substitute, he shewed some symptoms of a discerning and even magnanimous spirit. The only son of Justin and Sophia died in his infancy: their daughter Arabia was the wife of Baduarius* superintendant of the palace, and afterwards commander of the Italian armies, who vainly aspired to confirm the rights of marriage by those of adoption. While the empire appeared an object of desire, Justin was accustomed to behold with jealousy and hatred his brothers and cousins, the rivals of his hopes; nor could he depend on the gratitude of those who would accept the purple as a restitution, rather than a gift. Of these competitors, one had been removed by exile, and afterwards by death; and the emperor himself had inflicted such cruel insults on another, that he must either dread his resentment or despise his patience. This domestic animosity was refined into a generous resolution of seeking a successor, not in his family, but in the republic: and the artful Sophia recommended Tiberius†, his faithful captain of the guards, whose virtues

* *Dispositorque novus sacrae Baduarius aulae.*

Successor soceri mox factus Cura palati.

Corippus.

Baduarius is enumerated among the descendants and allies of the house of Justinian. A family of noble Venetians (*Casa Brado*) built churches and gave dukes to the republic as early as the ixth century; and if their descent be admitted, no kings in Europe can produce a pedigree so ancient and illustrious. Ducange, *Fam. Byzantin.* p. 90. Amelot de la Houssaye, *Gouvernement de Venise*, tom. ii. p. 555.

† The praise bestowed on princes before their elevation is the purest and most weighty. Corippus has celebrated Tiberius at the time of the accession of Justin (l. i. 212—222.). Yet even a captain of the guards might attract the flattery of an African exile.

and fortune the emperor might cherish as the fruit of his judicious choice. The ceremony of his elevation to the rank of Cæsar, or Augustus, was performed in the portico of the palace, in the presence of the patriarch and the senate. Justin collected the remaining strength of his mind and body, but the popular belief that his speech was inspired by the Deity betrays a very humble opinion both of the man and the times*. "You behold," said the emperor, "the emblems of supreme power. You are about to receive them not from my hand, but from the hand of God. Honour them, and from them you will derive honour. Respect the empress your mother; you are now her son; before, you were her servant. Delight not in blood, abstain from revenge, avoid those actions by which I have incurred the public hatred, and consult the experience rather than the example of your predecessor. As a man I have sinned; as a sinner, even in this life I have been severely punished; but those servants (and he pointed to his ministers), who have abused my confidence, and inflamed my passions, will appear with me before the tribunal of Christ. I have been dazzled by the splendour of the diadem: be thou wise and modest; remember what you have been, remember what you are. You see around us your slaves and your children; with the authority, assume the tenderness, of a parent. Love your people like yourself; cultivate the affections, maintain the discipline, of the army; protect the fortunes of the rich, relieve the necessities of the poor†." The assembly, in silence and in tears, applauded the counsels, and sympathised with the repentance, of their prince: the patriarch rehearsed the prayers of the church; Tiberius received the diadem on his knees, and Justin, who in his abdication appeared most worthy to reign, addressed

* Evagrius (l. v. c. 18.) has added the reproach to his ministers. He applies this speech to the ceremony when Tiberius was invested with the rank of Cæsar. The loose expression, rather than the positive error, of Theophanes, &c. has delayed it to his *Augustan* investiture immediately before the death of Justin.

† Theophylact Simocatta (l. iii. c. 11.) declares that he shall never praise the speech of Justin as it was pronounced, without attending to the elegance of language or rhetoric. Perhaps the vulgar poet would have been incapable of producing such sentiments.

the new monarch in the following words: "If you consent, I live; if you command, I die: may the God of heaven and earth infuse into your heart whatever I have neglected or forgotten." The four last years of the emperor Justin were passed in tranquil obscurity: his conscience was no longer tormented by the remembrance of those duties which he was incapable of discharging; and his choice was justified by the filial reverence and gratitude of Tiberius.

Among the virtues of Tiberius*, his beauty (he was one of the tallest and most comely of the Romans) might introduce him to the favour of Sophia; and the widow of Justin was persuaded, that she should preserve her station and influence under the reign of a second and more youthful husband. But if the ambitious candidate had been tempted to flatter and dissemble, it was no longer in his power to fulfil her expectations, or his own promise. The factions of the hippodrome demanded, with some impatience, the name of their new empress; both the people and Sophia were astonished by the proclamation of Anastasia, the secret, though lawful wife of the emperor Tiberius. Whatever could alleviate the disappointment of Sophia, Imperial honours, a stately palace, a numerous household was liberally bestowed by the piety of her adopted son; on solemn occasions he attended and consulted the widow of his benefactor: but her ambition disdained the vain semblance of royalty, and the respectful appellation of mother served to exasperate, rather than appease, the rage of an injured woman. While she accepted, and repaid with a courtly smile, the fair expressions of regard and confidence, a secret alliance was concluded between the dowager empress and her ancient enemies; and Justinian, the son of Germanus was employed as the instrument of her revenge. The pride of the reigning house supported, with reluctance, the dominion of a stranger: the youth was deservedly popular; his name, after the death of Justin, had been mentioned by a tumultuous faction; and his own sub-

* For the character and reign of Tiberius, see Evagrius, l. v. c. 13. Theophylact, l. iii. c. 12, &c. Theophanes, in Chron. p. 310-312. Zonaras, tom. ii. l. xiv. p. 79. Cedrenus, p. 392. Paul Warnefridus, de Gestis Imperatorum, l. iii. c. 11, 12. The deacon of Forth Julia appears to have possessed some curious and authentic facts.

missive offer of his head, with a treasure of fifty thousand pounds, might be interpreted as an evidence of guilt, or at least of fear. Justinian received a free pardon, and the command of the eastern army. The Persian monarch stood before his arms; and the acclamations which accompanied his triumph, declared him worthy of the purple. His ardent patroness had chosen the month of the vintage, while the emperor, in a rural solitude, was permitted to enjoy the pleasures of a subject. On the first intelligence of her designs he returned to Constantinople, and the conspiracy was suppressed by his presence and firmness. From the pomp and honours which she had abused, Sophia was reduced to a modest allowance: Tiberius dismissed her train, intercepted her correspondence, and committed to a faithful guard the custody of her person. But the services of Justinian were not considered by that excellent prince as an aggravation of his offences; after a mild reproof, his treason and ingratitude were forgiven; and it was commonly believed, that the emperor entertained some thoughts of contracting a double alliance with the rival of his throne. The voice of an angel (such a fable was propagated) might reveal to the emperor, that he should always triumph over his domestic foes; but Tiberius derived a firmer assurance from the innocence and generosity of his own mind.

With the odious name of Tiberius, he assumed the more popular appellation of Constantine, and imitated the pure virtues of the Antonines. After recording the vice or folly of so many Roman princes, it is pleasing to repose, for a moment, on a character conspicuous by the qualities of humanity, justice, temperance, and fortitude; to contemplate a sovereign affable in his palace, pious in the church, impartial on the seat of judgment, and victorious, at least by his generals, in the Persian war. The most glorious trophy of his victory consisted in a multitude of captives whom Tiberius entertained, redeemed, and dismissed to their native homes with the charitable spirit of a Christian hero. The merit or misfortunes of his own subjects he considered as dearer claims to his beneficence, and he measured his goodness not so much by their expectations, as by his own dignity. This maxim, however dangerous in a trustee of the public

THE HISTORY OF THE DECLINE AND FALL

wealth, was balanced by a principle of humanity and justice, which taught him to abhor, as of the basest alloy, the gold that was extracted from the tears of the people. For their relief, as often as they had suffered by natural or hostile calamities, he was impatient to remit the arrears of the past, or the demands of future taxes: he sternly rejected the servile offerings of his ministers, which were compensated by tenfold oppression; and the wise and equitable laws of Tiberius excited the praise and regret of succeeding times. Constantinople believed that the emperor had discovered a treasure: but his genuine treasure consisted in the practice of liberal oeconomy, and the contempt of all vain and superfluous expence. The Romans of the East would have been happy, if the best gift of heaven, a patriot king, had been confirmed as a proper and permanent blessing. But in less than four years after the death of Justin, his worthy successor sunk into a mortal disease, which left him only sufficient time to restore the diadem, according to the tenure by which he held it, to the most deserving of his fellow-citizens. He selected Maurice from the crowd, a judgment more precious than the purple itself: the patriarch and senate were summoned to the bed of the dying prince: he bestowed his daughter and the empire; and his last advice was solemnly delivered by the voice of the quæstor. Tiberius expressed his hope, that the virtues of his son and successor would erect the noblest mausoleum to his memory. His memory was embalmed by the public affliction; but the most sincere grief evaporates in the tumult of a new reign, and the eyes and acclamations of mankind were speedily directed to the rising sun. *

The emperor Maurice derived his origin from ancient Rome*; but his immediate parents were settled at Arabissus in Cappadocia, and their singular felicity preserved them alive to behold and partake the fortune of their *august* son. The youth of Maurice was spent in the profession of arms;

* It is therefore singular enough that Paul (l. iii. c. 15.) should distinguish him as the first Greek emperor—*primus ex Græcorum genere in imperio constitutus*. His immediate predecessors had indeed been born in the Latin provinces of Europe, and a various reading, in *Græcorum imperio*, would apply the expression to the empire rather than the prince.

Tiberius promoted him to the command of a new and favourite legion of twelve thousand confederates; his valor and conduct were signalized in the Persian war; and he returned to Constantinople to accept, as his just reward, the inheritance of the empire. Maurice ascended the throne at the mature age of forty-three years; and he reigned above twenty years over the East and over himself*, expelling from his mind the wild democracy of passions, and establishing (according to the quaint expression of Evagrius) a perfect aristocracy of reason and virtue. Some suspicion will degrade the testimony of a subject, though he protests that his secret praise should never reach the ear of his sovereign †, and some failings seem to place the character of Maurice below the purer merit of his predecessor. His cold and reserved demeanour might be imputed to arrogance; his justice was not always exempt from cruelty, nor his clemency from weakness; and his rigid economy too often exposed him to the reproach of avarice. But the rational wisher of an absolute monarch must tend to the happiness of his people; Maurice was endowed with sense and courage to promote that happiness, and his administration was directed by the principles and example of Tiberius. The pusillanimity of the Greeks had introduced so complete a separation between the offices of king and of general, that a private soldier who had deserved and obtained the purple, seldom or never appeared at the head of his armies. Yet the emperor Maurice enjoyed the glory of restoring the Persian monarch to his throne: his lieutenants waged a doubtful war against the Avars of the Danube, and he cast an eye of pity, of ineffectual pity, on the abject and distressful state of his Italian provinces.

From Italy the emperors were incessantly tormented by tales of misery and demands of succour, which extorted the

* Consult, for the character and reign of Maurice, the fifth and sixth books of Evagrius, particularly l. vi. c. 1.; the eight books of his prolix and florid history by Theophylact Simocatta. Theophrastus, p. 213, &c. Zonaras, tom. ii. l. xiv. p. 73. Cedrenus, p. 394.

† Αυταρχατος ουτος γινωσκεις τον μου οχλαγωγικον τον νοτον εν τω αιωνι ομιλουσιν ψυχης επινοητικων δε εν τω αυτου λεγουσιν οτι ταυτοπραγμων. Evagrius composed his history in the twelfth year of Maurice; and he had been so wisely indiscreet, that the emperor knew and rewarded his favourable opinion (l. vi. c. 1.).

humiliating confession of their own weakness. The expiring dignity of Rome was only marked by the freedom and energy of her complaints: "If you are incapable," she said, "of delivering us from the sword of the Lombards, save us at least from the calamity of famine." Tiberius forgave the reproach, and relieved the distress; a supply of corn was transported from Egypt to the Tyber; and the Roman people, invoking the name, not of Camillus, but of St. Peter, repulsed the Barbarians from their walls. But the relief was accidental, the danger was perpetual and pressing; and the clergy and senate, collecting the remains of their ancient opulence, a sum of three thousand pounds of gold, dispatched the patrician Pamphronius to lay their gifts and their complaints at the foot of the Byzantine throne. The attention of the court, and the forces of the East, were diverted by the Persian war: but the justice of Tiberius applied the subsidy to the defence of the city; and he dismissed the patrician with his best advice, either to bribe the Lombard chiefs, or to purchase the aid of the kings of France. Notwithstanding this weak invention, Italy was still afflicted, Rome was again besieged, and the suburb of Classe, only three miles from Ravenna, was pillaged and occupied by the troops of a simple duke of Spoleto. Maurice gave audience to a second deputation of priests and senators; the duties and the menaces of religion were forcibly urged in the letters of the Roman pontiff; and his nuncio, the deacon Gregory, was alike qualified to solicit the powers either of heaven or of the earth. The emperor adopted, with stronger effect, the measures of his predecessor: some formidable chiefs were persuaded to embrace the friendship of the Romans; and one of them, a mild and faithful Barbarian, lived and died in the service of the exarch: the passes of the Alps were delivered to the Franks: and the pope encouraged them to violate, without scruple, their oaths and engagements to the misbelievers. Childebert, the great-grandson of Clovis, was persuaded to invade Italy by the payment of fifty thousand pieces; but as he had viewed with delight some Byzantine coins of the weight of one pound of gold, the king of Austrasia might stipulate, that the gift should be rendered more worthy of

his acceptance, by a proper mixture of these respectable medals. The dukes of the Lombards had provoked, by frequent inroads, their powerful neighbours of Gaul. As soon as they were apprehensive of a just retaliation, they renounced their feeble and disorderly independence: the advantages of regal government, union, secrecy, and vigour, were unanimously confessed; and Autharis, the son of Clepho, had already attained the strength and reputation of a warrior. Under the standard of their new king, the conquerors of Italy withstood three successive invasions, one of which was led by Childebert himself, the last of the Merovingian race who descended from the Alps. The first expedition was defeated by the jealous animosity of the Franks and Alemanni. In the second they were vanquished in a bloody battle, with more loss and dishonour than they had sustained since the foundation of their monarchy. Impatient for revenge, they returned a third time with accumulated force, and Autharis yielded to the fury of the torrent. The troops and treasures of the Lombards were distributed in the walled towns between the Alps and the Apennine. A nation, less sensible of danger, than of fatigue and delay, soon murmured against the folly of their twenty commanders; and the hot vapours of an Italian sun infected with disease those tramontane bodies which had already suffered the vicissitudes of intemperance and famine. The powers that were inadequate to the conquest, were more than sufficient for the desolation, of the country; nor could the trembling natives distinguish between their enemies and their deliverers. If the junction of the Merovingian and Imperial forces had been effected in the neighbourhood of Milan, perhaps they might have subverted the throne of the Lombards; but the Franks expected six days the signal of a flaming village, and the arms of the Greeks were idly employed in the reduction of Modena and Parma, which were torn from them after the retreat of their Transalpine allies. The victorious Autharis asserted his claim to the dominion of Italy. At the foot of the Rhætian Alps, he subdued the resistance, and rifled the hidden treasures, of a sequestered island in the lake of Comum. At the extreme point of Calabria, he touched with his spear a column on

the sea-shore of Rhegium*; proclaiming that ancient landmark to stand the immoveable boundary of his kingdom†.

During a period of two hundred years, Italy was unequally divided between the kingdom of the Lombards and the exarchate of Ravenna. The offices and professions, which the jealousy of Constantine had separated, were united by the indulgence of Justinian: and eighteen successive exarchs were invested in the decline of the empire, with the full remains of civil, of military, and even of ecclesiastical power. Their immediate jurisdiction, which was afterwards consecrated as the patrimony of St. Peter, extended over the modern Romagna, the marshes or vallies of Ferrara and Commachio‡, five maritime cities from Rimini to Ancona, and a second, island Pentapolis, between the Adriatic coast and the hills of the Apennine. Three subordinate provinces, of Rome, of Venice, and of Naples, which were divided by hostile lands from the palace of Ravenna, acknowledged, both in peace and war, the supremacy of the exarch. The dutchy of Rome appears to have included the Tuscan, Sabine, and Latin conquests, of the first four hundred years of the city, and the limits may be distinctly traced along the coast, from Civita Vecchia to Terracina, and with the course of the Tyber from Ameria and Narni to the port of Ostia. The numerous islands from Grado to Chiozza, composed the infant dominion of Venice; but the more accessible towns on the continent were overthrown by the Lombards, who beheld with impotent fury a new capital rising from the

* The Columna Rhegina, in the narrowest part of the Faro of Messina, one hundred stadia from Rhegium itself, is frequently mentioned in ancient geography. Cluver. *Ital. Antiq.* tom. ii. p. 1295. Lucas Holstein. *Annotat. ad Cluver.* p. 301. Wesseling. *Itinerar.* p. 106.

† The Greek historians afford some faint hints of the wars of Italy (Menander in *Excerpt. Legat.* p. 124. 126. Theophylact, l. iii. c. 4.). The Latins are more satisfactory; and especially Paul Warnefrid (l. iii. 13—34.), who had read the more ancient histories of Secundus and Gregory of Tours. Baronius produces some letters of the popes, &c.; and the times are measured by the accurate scale of Pagi and Muratori.

‡ The papal advocates, Zacagni and Fontanini, might justly claim the valley or morass of Commachio as a part of the exarchate. But the ambition of including Modena, Reggio, Parma, and Placentia, has darkened a geographical question somewhat doubtful and obscure. Even Muratori, as the servant of the house of Este, is not free from partiality and prejudice.

waves. The power of the dukes of Naples was circumscribed by the bay and the adjacent isles, by the hostile territory of Capua, and by the Roman colony of Amalphi*, whose industrious citizens, by the invention of the mariner's compass, have unveiled the face of the globe. The three islands of Sardinia, Corsica and Sicily, still adhered to the empire; and the acquisition of the farther Calabria removed the land-mark of Autharis from the shore of Rhegium to the isthmus of Consentia. In Sardinia the savage mountaineers preserved the liberty and religion of their ancestors; but the husbandmen of Sicily were chained to their rich and cultivated soil. Rome was oppressed by the iron sceptre of the exarchs, and a Greek, perhaps an eunuch, insulted with impunity the ruins of the Capitol. But Naples soon acquired the privilege of electing her own dukes†; the independence of Amalphi was the fruit of commerce; and the voluntary attachment of Venice was finally ennobled by an equal alliance with the eastern empire. On the map of Italy, the measure of the exarchate occupies a very inadequate space, but it included an ample proportion of wealth, industry, and population. The most faithful and valuable subjects escaped from the Barbarian yoke; and the banners of Pavia and Verona, of Milan and Padua, were displayed in their respective quarters by the new inhabitants of Ravenna. The remainder of Italy was possessed by the Lombards; and from Pavia, the royal seat, their kingdom was extended to the east, the north, and the west, as far as the confines of the Avars, the Bavarians, and the Franks of Austrasia and Burgundy. In the language of modern geography, it is now represented by the Terra Firma of the Venetian republic, Tyrol, the Milanese, Piemont, the coast of Genoa, Mantua, Parma, and Modena, the grand duchy of Tuscany, and a large portion of the ecclesiastical state from Perugia to the Adriatic. The dukes, and at length the princes of Beneventum, survived the monarchy, and propagated the name of the Lombards. From Capua to Taren-

* See Brenemann, Dissert. 1^{ma} de Republica Amalphitana, p. 1—42. ad calcem Hist. Pandect. Florent.

† Gregor. Magn. l. iii. epist. 23. 25, 26, 27.

tum, they reigned near five hundred years over the greatest part of the present kingdom of Naples.*

In comparing the proportion of the victorious and the vanquished people, the change of language will afford the most probable inference. According to this standard it will appear, that the Lombards of Italy, and the Visigoths of Spain, were less numerous than the Franks or Burgundians; and the conquerors of Gaul must yield, in their turn, to the multitude of Saxons and Angles who almost eradicated the idioms of Britain. The modern Italian has been insensibly formed by the mixture of nations; the awkwardness of the Barbarians, in the nice management of declensions and conjugations, reduced them to the use of articles and auxiliary verbs; and many new ideas have been expressed by Teutonic appellations. Yet the principal stock of technical and familiar words is found to be of Latin derivation†; and if we were sufficiently conversant with the obsolete, the rustic, and the municipal dialects of ancient Italy, we should trace the origin of many terms which might, perhaps, be rejected by the classic purity of Rome. A numerous army constitutes but a small nation, and the powers of the Lombards were soon diminished by the retreat of the twenty thousand Saxons, who scorned a dependent situation, and returned, after many bold and perilous adventures, to their native country‡. The camp of Alboin was of formidable extent, but the extent of a camp would be easily circumscribed within the limits of the city; and its martial inhabitants must be thinly scattered over the face of a large country. When Alboin descended from the Alps, he invested his nephew, the first duke of Friuli, with the

* I have described the state of Italy from the excellent Dissertation of Beretti. Giannone (*Istoria Civile*, tom. i. p. 374—387.) has followed the learned Camillo Pelegrini in the geography of the kingdom of Naples. After the loss of the true Calabria, the vanity of the Greeks substituted that name instead of the more ignoble appellation of Bruttium; and the change appears to have taken place before the time of Charlemagne (Eginard. p. 75.)

† Maffei (*Verona Illustrata*, part i. p. 310—321.) and Muratori (*Antichita Italiane*, tom. ii. Dissertazioni xxxii, xxxiii. p. 71—365.) have asserted the native claims of the Italian idiom: the former with enthusiasm, the latter with discretion: both with learning, ingenuity, and truth.

‡ Paul, de Gest. Langobard. l. iii. c. 5, 6, 7.

command of the province and the people; but the prudent Gisulf would have declined the dangerous office, unless he had been permitted to chuse, among the nobles of the Lombards, a sufficient number of families * to form a perpetual colony of soldiers and subjects. In the progress of conquest, the same option could not be granted to the dukes of Brescia or Bergamo, of Pavia or Turin, of Spoleto or Beneventum; but each of these, and each of their colleagues, settled in his appointed district with a band of followers who resorted to his standard in war and his tribunal in peace. Their attachment was free and honourable: resigning the gifts and benefits which they had accepted, they might emigrate with their families into the jurisdiction of another duke; but their absence from the kingdom was punished with death, as a crime of military desertion †. The posterity of the first conquerors struck a deeper root into the soil, which, by every motive of interest and honour, they were bound to defend. A Lombard was born the soldier of his king and his duke; and the civil assemblies of the nation displayed the banners, and assumed the appellation, of a regular army. Of this army, the pay and the rewards were drawn from the conquered provinces; and the distribution, which was not effected till after the death of Alboin, is disgraced by the foul marks of injustice and rapine. Many of the most wealthy Italians were slain or banished; the remainder were divided among the strangers, and a tributary obligation was imposed (under the name of hospitality), of paying to the Lombards a third part of the fruits of the earth. Within less than seventy years, this artificial system was abolished by a more simple and solid tenure ‡. Either the Roman landlord was expelled by his strong and insolent guest; or the annual payment, a third of the produce, was exchanged by a more equitable transaction

* Paul, l. ii. c. 9. He calls these families or generations by the Teutonic name of *Faras*, which is likewise used in the Lombard laws. The humble deacon was not insensible of the nobility of his own race. See l. iv. c. 39. *

† Compare No. 3 and 177 of the laws of Rotharis.

‡ Paul, l. ii. c. 31, 32. l. iii. c. 16. The laws of Rotharis, promulgated A.D. 643, do not contain the smallest vestige of this payment of thirds; but they preserve many curious circumstances of the state of Italy and the manners of the Lombards.

for an adequate proportion of landed property. Under these foreign masters, the business of agriculture, in the cultivation of corn, vines, and olives, was exercised with degenerate skill and industry by the labour of the slaves and natives. But the occupations of a pastoral life were more pleasing to the idleness of the Barbarians. In the rich meadows of Venetia, they restored and improved the breed of horses, for which that province had once been illustrious *; and the Italians beheld with astonishment a foreign race of oxen or buffaloes †. The depopulation of Lombardy, and the increase of forests, afforded an ample range for the pleasures of the chase ‡. That marvellous art which teaches the birds of the air to acknowledge the voice, and execute the commands of their master, had been unknown to the ingenuity of the Greeks and Romans §. Scandinavia and Scythia produce the boldest and most tractable falcons ||; they were tamed and educated by the roving inhabitants always on horseback and in the field. This favourite amusement of our ancestors was introduced by the Barbarians into

* The studs of Dionysius of Syracuse, and his frequent victories in the Olympic games, had diffused among the Greeks the fame of the Venetian horses; but the breed was extinct in the time of Strabo (l. v. p. 325.). Gisulf obtained from his uncle *generosarum equarum greges*. Paul, l. ii. c. 9. The Lombards afterwards introduced *caballi sylvatici*—wild horses. Paul. l. iv. c. 11.

† Tunc (A.D. 596.) *primum, bubali in Italiam delati Italiz populis miracula fuere* (Paul Warnefrid, l. iv. c. 11.). The buffaloes, whose native climate appears to be Africa and India, are unknown to Europe, except in Italy, where they are numerous and useful. The ancients were ignorant of these animals, unless Aristotle (*Hist. Animal. l. ii. c. 1. p. 58.* Paris, 1783) has described them as the wild oxen of Arachosia. See Buffon, *Hist. Naturelle*, tom. xi. and Supplement, tom. vi. *Hist. Generale des Voyages*, tom. i. p. 7. 481. ii. 105. iii. 291. iv. 234. 461. v. 193. vi. 491. viii. 400. x. 666. Pennant's *Quadrupedes*, p. 24. *Dictionaire d'Hist. Naturelle*, par Valmont de Romare, tom. ii. p. 74. Yet I must not conceal the suspicion that Paul, by a vulgar error, may have applied the name of *bubalus* to the aurochs, or wild bull, of ancient Germany.

‡ Consult the xxist Dissertation of Muratori.

§ Their ignorance is proved by the silence even of those who professedly treat of the arts of hunting and the history of animals. Aristotle (*Hist. Animal. l. ix. c. 36. tom. i. p. 586.* and the Notes of his last editor, M. Camus, tom. ii. p. 314.), Pliny (*Hist. Natur. l. x. c. 10.*), Ælian (*de Natur. Animal. l. ii. c. 42.*), and perhaps Homer (*Odyss. xxii. 302—306.*), describe with astonishment a tacit league and common chase between the hawks and the Thracian fowls.

|| Particularly the gerfaut, or gyrfalcon, of the size of a small eagle. See the animated description of M. de Buffon, *Hist. Naturelle*, tom. xvi. p. 239, &c.

the Roman provinces; and the laws of Italy esteem the sword and the hawk as of equal dignity and importance in the hands of a noble Lombard*.

So rapid was the influence of climate and example, that the Lombards of the fourth generation surveyed with curiosity and affright the portraits of their savage forefathers†. Their heads were shaven behind, but the shaggy locks hung over their eyes and mouth, and a long beard, represented the name and character of the nation. Their dress consisted of loose linen garments, after the fashion of the Anglo-Saxons, which were decorated, in their opinion, with broad stripes of variegated colours. The legs and feet were clothed in long hose, and open sandals; and even in the security of peace a trusty sword was constantly girt to their side. Yet this strange apparel, and horrid aspect, often concealed a gentle and generous disposition; and as soon as the rage of battle had subsided, the captives and subjects were sometimes surprised by the humanity of the victor. The vices of the Lombards were the effect of passion, of ignorance, of intoxication; their virtues are the more laudable, as they were not affected by the hypocrisy of social manners, nor imposed by the rigid constraint of laws and education. I should not be apprehensive of deviating from my subject, if it were in my power to delineate the private life of the conquerors of Italy, and I shall relate with pleasure the adventurous gallantry of Autharis, which breathes the true spirit of chivalry and romance‡. After the loss of his pro-

* Script. Rerum Italicarum, tom. i. part ii. p. 129. This is the xxvth law of the emperor Lewis the Pious. His father Charlemagne had falconers in his household as well as huntsmen (Memoirs sur l'ancienne Chevalerie, par M. de St. Falay; tom. iii. p. 175.). I observe in the laws of Rotharis a more early mention of the art of hawking (No. 322.); and in Gaul, in the vth century, it is celebrated by Sidonius Apollinaris among the talents of Avitus (202—207.).

† The epitaph of Droctulf (Paul, l. iii. c. 19.) may be applied to many of his countrymen:

Terribilis visu facies, sed corda benignus
Longaque robusto pectore barba fuit.

The portraits of the old Lombards might still be seen in the palace of Monza, twelve miles from Milan, which had been founded or restored by queen Theudelinda (l. iv. 22, 23.). See Muratori, tom. i. dissertaz. xxiii. p. 300.

‡ The story of Autharis and Theudelinda is related by Paul, l. iii. c.

mised bride, a Merovingian princess, he sought in marriage the daughter of the king of Bavaria; and Garibald accepted the alliance of the Italian monarch. Impatient of the slow progress of negotiation, the ardent lover escaped from his palace, and visited the court of Bavaria in the train of his own embassy. At the public audience, the unknown stranger advanced to the throne, and informed Garibald, that the ambassador was indeed the minister of state, but that he alone was the friend of Autharis, who had trusted him with the delicate commission of making a faithful report of the charms of his spouse. Theudelinda was summoned to undergo this important examination, and after a pause of silent rapture, he hailed her as the queen of Italy, and humbly requested, that, according to the custom of the nation, she would present a cup of wine to the first of her new subjects. By the command of her father, she obeyed: Autharis received the cup in his turn, and, in restoring it to the princess, he secretly touched her hand, and drew his own finger over his face and lips. In the evening, Theudelinda imparted to her nurse the indiscreet familiarity of the stranger, and was comforted by the assurance, that such boldness could proceed only from the king her husband, who, by his beauty and courage, appeared worthy of her love. The ambassadors were dismissed: no sooner did they reach the confines of Italy, than Autharis, raising himself on his horse, darted his battle-axe against a tree with incomparable strength and dexterity: "Such," said he to the astonished Bavarians, "such are the strokes of the king of the Lombards." On the approach of a French army, Garibald and his daughter took refuge in the dominions of their ally; and the marriage was consummated in the palace of Verona. At the end of one year, it was dissolved by the death of Autharis: but the virtues of Theudelinda* had endeared her to the nation, and she was

§ 34.; and any fragment of Bavarian antiquity incites the indefatigable diligence of the count de Buat, *Hist. des Peuples de l'Europe*, tom. xi. p. 595—635. tom xii. p. 1—53.

* Giannone (*Istoria Civile de Napoli*, tom. i. p. 263.) has justly censured the impertinence of Boccaccio (*Geo. iii. Novel. 2.*), who, without right, or truth, or pretence, has given the pious queen Theudelinda to the arms of a muleteer.

permitted to bestow, with her hand, the sceptre of the Italian kingdom.

From this fact, as well as from similar events*, it is certain that the Lombards possessed freedom to elect their sovereign, and sense to decline the frequent use of that dangerous privilege. The public revenue arose from the produce of land, and the profits of justice. When the independent dukes agreed that Autharis should ascend the throne of his father, they endowed the regal office with a fair moiety of their respective domains. The proudest nobles aspired to the honours of servitude near the person of their prince: he rewarded the fidelity of his vassals by the precarious gift of pensions and *benefices*; and atoned for the injuries of war, by the rich foundation of monasteries and churches. In peace a judge, a leader in war, he never usurped the powers of a sole and absolute legislator. The king of Italy convened the national assemblies in the palace, or more probably in the fields, of Pavia: his great council was composed of the persons most eminent by their birth and dignities; but the validity, as well as the execution of their decrees, depended on the approbation of the *faithful people*, the *fortunate* army of the Lombards. About fourscore years after the conquest of Italy, their traditional customs were transcribed in Teutonic latin†, and ratified by the consent of the prince and people; some new regulations were introduced, more suitable to their present condition; the example of Rotharis was imitated by the wisest of his successors, and the laws of the Lombards have been esteemed the least imperfect of the Barbaric codes‡. Secure by their courage in the possession of liberty, these rude and hasty legislators were incapable of balancing the powers of the constitution, or of discussing the nice theory of political government.

* Paul, l. iii. c. 16. The first dissertations of Muratori, and the first volume of Giannone's history, may be consulted for the state of the kingdom of Italy.

† The most accurate edition of the laws of the Lombards is to be found in the *Scriptores Rerum Italicarum*, tom. i. part. ii. p. 1—181. collated from the most ancient MSS. and illustrated by the critical notes of Muratori.

‡ Montesquieu, *Esprit des Loix*, l. xxviii. c. 1. Les loix des Bourguignons sont assez judicieuses: celles de Rotharis et des autres princes Lombards le sont encore plus.

Such crimes as threatened the life of the sovereign, or the safety of the state, were adjudged worthy of death; but their attention was principally confined to the defence of the person and property of the subject. According to the strange jurisprudence of the times, the guilt of blood might be redeemed by a fine; yet the high price of nine hundred pieces of gold declares a just sense of the value of a simple citizen. Less atrocious injuries, a wound, a fracture, a blow, an opprobrious word, were measured with scrupulous and almost ridiculous diligence; and the prudence of the legislator encouraged the ignoble practice of bartering honour and revenge for a pecuniary compensation. The ignorance of the Lombards, in the state of Paganism or Christianity, gave implicit credit to the malice and mischief of witchcraft; but the judges of the seventeenth century might have been instructed and confounded by the wisdom of Rotharis, who derides the absurd superstition, and protects the wretched victims of popular or judicial cruelty*. The same spirit of a legislator, superior to his age and country, may be ascribed to Luitprand; who condemns, while he tolerates, the impious and inveterate abuse of duels†, observing from his own experience, that the juster cause had often been oppressed by successful violence. Whatever merit may be discovered in the laws of the Lombards, they are the genuine fruit of the reason of the Barbarians, who never admitted the bishops of Italy to a seat in their legislative councils. But the succession of their Kings is marked with virtue and ability; the troubled series of their annals is adorned with fair intervals of peace, order, and domestic happiness; and the Italians enjoyed a milder and more equitable government, than any of the other kingdoms which had been founded on the ruins of the Western empire‡.

* See *Leges Rotharis*, No. 379, p. 47. Striga is used as the name of a witch. It is of the purest classic origin (*Horat. epod. v. 20. Petron. c. 104.*); and, from the words of Petronius, (*quæ striges comederunt nervos tuos*;) it may be inferred that the prejudice was of Italian rather than Barbaric extraction.

† *Quia incerte sumus de iudicio Dei, et multos audivimus per pugnam sine iustâ causâ suam causam perdere. Sed propter consuetudinem gentem nostram Langobardorum legem impiam vetare non possumus.* See p. 74. No. 65. of the *Laws of Luitprand*, promulgated A.D. 726.

‡ Read the history of Paul Warnefrid; particularly l. iii. c. 10. Baro-

Amidst the arms of the Lombards, and under the despotism of the Greeks, we again inquire into the fate of Rome*, which had reached, about the close of the sixth century, the lowest period of her depression. By the removal of the seat of empire, and the successive loss of the provinces, the sources of public and private opulence were exhausted; the lofty tree, under whose shade the nations of the earth had reposed, was deprived of its leaves and branches, and the sapless trunk was left to wither on the ground. The ministers of command, and the messengers of victory, no longer met on the Appian or Flaminian way; and the hostile approach of the Lombards was often felt and continually feared. The inhabitants of a potent and peaceful capital, who visit without an anxious thought the garden of the adjacent country, will faintly picture in their fancy the distress of the Romans: they shut or opened their gates with a trembling hand, beheld from the walls the flames of their houses, and heard the lamentations of their brethren, who were coupled together like dogs, and dragged away into distant slavery beyond the sea and the mountains. Such incessant alarms must annihilate the pleasures and interrupt the labours of a rural life; and the Campagna of Rome was speedily reduced to the state of a dreary wilderness, in which the land is barren, the waters are impure, and the air is infectious. Curiosity and ambition no longer attracted the nations to the capital of the world: but if chance or necessity directed the steps of a wandering stranger, he contemplated with horror the vacancy and solitude of the city, and might be tempted to ask, where is the senate, and where are the people? In a season of excessive rains, the Tyber swelled above its banks, and rushed with irresistible violence into the vallies of the seven hills. A pestilential disease arose from the stagnation of the deluge, and so rapid was the contagion,

nus rejects the praise, which appears to contradict the invectives of Gregory the Great; but Muratori (*Annali d'Italia*, tom. v. p. 217.) presumes to insinuate that the saint may have magnified the faults of Arias and enemies.

* The passages of the homilies of Gregory, which represent the miserable state of the city and country, are transcribed in the *Annals of Baronius*, M.D. 590, No. 16. A. D. 595, No. 2, &c. &c.

HISTORY OF THE DECLINE AND FALL

that fourscore persons expired in an hour in the midst of a solemn procession, which implored the mercy of heaven*. A society in which marriage is encouraged and industry prevails, soon repairs the accidental losses of pestilence and war; but as the far greater part of the Romans was condemned to hopeless indigence and celibacy, the depopulation was constant and visible, and the gloomy enthusiasts might expect the approaching failure of the human race†. Yet the number of citizens still exceeded the measure of subsistence: their precarious food was supplied from the harvests of Sicily or Egypt; and the frequent repetition of famine betrays the inattention of the emperor to a distant province. The edifices of Rome were exposed to the same ruin and decay: the mouldering fabrics were easily overthrown by inundations, tempests, and earthquakes, and the monks who had occupied the most advantageous stations, exulted in their base triumph over the ruins of antiquity‡. It is commonly believed, that pope Gregory the first attacked the temples and mutilated the statues of the city; that by the command of the Barbarian, the Palatine library was reduced to ashes, and that the history of Livy was the peculiar mark of his absurd and mischievous fanaticism. The writings of Gregory himself reveal his implacable aversion to the monuments of classic genius; and he points his severest censure against the profane learning of a bishop, who taught the art of grammar, studied the latin poets, and pronounced with the same voice the praises of Jupiter, and those of Christ. But the evidence of his destructive rage is doubtful and recent; the temple of peace, or the theatre of Marcellus, have been demolished by the slow operation

* The inundation and plague were reported by a deacon, whom his bishop, Gregory of Tours, had dispatched to Rome for some relics. The ingenious messenger embellished his tale and the river with a great dragon and a train of little serpents (Greg. Turon. l. x. c. 1.).

† Gregory of Rome (Dialog. l. ii. c. 15.) relates a memorable prediction of St. Benedict. Roma a Gentilibus non exterminabitur sed temporibus, coruscis turbinibus ac terræ motû in semetipsa marcescet. Such a prophecy melts into true history, and becomes the evidence of the fact after which it was invented.

‡ Quia in uno se ore cum Jovis laudibus, Christi laudes non capiant, et quam grave nefandumque sit episcopis canere quod neotico religioso conveniat, ipse considera (l. ix. ep. 4.). The writings of Gregory himself attest his innocence of any classic taste or literature.

of ages, and a formal proscription would have multiplied the copies of Virgil and Livy in the countries which were not subject to the ecclesiastical dictator*.

Like Thebes, or Babylon, or Carthage, the name of Rome might have been erased from the earth, if the city had not been animated by a vital principle, which again restored her to honour and dominion. A vague tradition was embraced, that two Jewish teachers, a tent-maker, and a fisherman, had formerly been executed in the circus of Nero, and at the end of five hundred years their genuine or fictitious relics were adored as the Palladium of Christian Rome. The pilgrims of the East and West resorted to the holy threshold; but the shrines of the apostles were guarded by miracles and invisible terrors; and it was not without fear that the pious Catholic approached the object of his worship. It was fatal to touch, it was dangerous to behold, the bodies of the saints; and those who from the purest motives presumed to disturb the repose of the sanctuary, were affrighted by visions, or punished with sudden death. The unreasonable request of an empress, who wished to deprive the Romans of their sacred treasure, the head of St. Paul, was rejected with the deepest abhorrence; and the pope asserted, most probably with truth, that a linen which had been sanctified in the neighbourhood of his body, or the filings of his chain, which it was sometimes easy and sometimes impossible to obtain, possessed an equal degree of miraculous virtue†. But the power as well as virtue of the apostles resided with living energy in the breast of their successors; and the chair of St. Peter was filled under the reign of Maurice by the first and greatest of the name of Gregory‡. His grandfather

* Bayle (*Dictionnaire Critique*, tom. ii. p. 598, 599.), in a very good article of *Gregoire I.* has quoted, for the buildings and statues, *Platina* in *Gregorio I.*; for the Palatine library, *John of Salisbury* (*de Nugis Curialium*, l. ii. c. 26.); and for Livy, *Antoninus of Florence*; the oldest of the three lived in the xiith century.

† *Gregor. I.* iii. epist. 24. indiet. 12, &c. From the epistles of Gregory, and the viiith volume of the *Annals* of *Baronius*, the pious reader may collect the particles of holy iron which were inserted in keys or crosses of gold, and distributed in Britain, Gaul, Spain, Africa, Constantinople, and Egypt. The pontifical smith who handled the file must have understood the miracles which it was in his own power to operate or withhold; a circumstance which abates the superstition of Gregory at the expense of his veracity.

‡ Besides the Epistles of Gregory himself, which are methodised by

HISTORY OF THE DECLINE AND FALL

Felix had himself been pope, and as the bishops were already bound by the law of celibacy, his consecration must have been preceded by the death of his wife. The parents of Gregory, Sylvia, and Gordian, were the noblest of the senate, and the most pious of the church of Rome: his female relations were numbered among the saints and virgins; and his own figure with those of his father and mother were represented near three hundred years in a family portrait*, which he offered to the monastery of St. Andrew. The design and colouring of this picture afford an honourable testimony, that the art of painting was cultivated by the Italians of the sixth century; but the most abject ideas must be entertained of their taste and learning, since the epistles of Gregory, his sermons, and his dialogues, are the work of a man who was second in erudition to none of his contemporaries†: his birth and abilities had raised him to the office of præfect of the city, and he enjoyed the merit of renouncing the pomp and vanities of this world. His ample patrimony was dedicated to the foundation of seven monasteries‡, one in Rome§, and six in Sicily; and it was the wish of

Dupin (*Bibliothèque Eccles.* tom. v. p. 103—126.), we have three lives of the pope; the two first written in the viith and ixth centuries (*de Triplici Vita St. Greg.* Preface to the ixth volume of the Benedictine edition) by the deacons Paul (p. 1—18.) and John (p. 19—188.), and containing much original, though doubtful, evidence; a third, a long and labour'd compilation by the Benedictine editors (p. 199—305.). The *Annals* of Baronius are a copious but partial history. His papal prejudices are tempered by the good sense of Fleury (*Hist. Eccles.* tom. viii.), and his chronology has been rectified by the criticism of Pagi and Muratori.

* John the deacon has described them like an eye-witness (*l. iv. c. 82, 84.*); and his description is illustrated by Angelo Rocca, a Roman antiquary (*St. Greg. Opera*, tom. iv. p. 312—326.), who observes, that some mosaics of the popes of the viith century are still preserved in the old churches of Rome (p. 321—323.). The same walls which represented Gregory's family are now decorated with the martyrdom of St. Andrew, the noble contest of Dominichino and Guido.

† *Disciplinis vero liberalibus, hoc est grammaticâ, rhetoricâ, dialecticâ. Na a puero est institutus, ut quamvis eo tempore florent adhuc Romæ studia literarum, tamen nulli in urbe ipsâ secundus putaretur.* Paul. Diacon. *Vit. S. Gregor.* c. 2.

‡ The Benedictines (*Vit. Greg.* l. i. p. 205—208.) labour to reduce the monasteries of Gregory within the rule of their own order, but as the question is confessed to be doubtful, it is clear that these powerful monks are in the wrong. See Butler's *Lives of the Saints*, vol. iii. p. 145.; a work of merit; the sense and learning belong to the author—his prejudices are those of his profession.

§ *Monasterium Gregorianum in ejusdem Beati Gregorii milibus ad elivum Scauri prope ecclesiam S. S. Johannis et Pauli in honorem St.*

Gregory that he might be unknown in this life, and glorious only in the next. Yet his devotion, and it might be sincere, pursued the path which would have been chosen by a crafty and ambitious statesman. The talents of Gregory, and the splendour which accompanied his retreat, rendered him dear and useful to the church; and implicit obedience has been always inculcated as the first duty of a monk. As soon as he had received the character of deacon, Gregory was sent to reside at the Byzantine court, the nuncio or minister of the apostolic see; and he boldly assumed, in the name of St. Peter, a tone of independent dignity, which would have been criminal and dangerous in the most illustrious layman of the empire. He returned to Rome with a just increase of reputation, and after a short exercise of the monastic virtues he was dragged from the cloister to the papal throne, by the unanimous voice of the clergy, the senate, and the people. He alone resisted, or seemed to resist, his own elevation; and his humble petition, that Maurice would be pleased to reject the choice of the Romans, could only serve to exalt his character in the eyes of the emperor and the public. When the fatal mandate was proclaimed, Gregory solicited the aid of some friendly merchants to convey him in a basket beyond the gates of Rome, and modestly concealed himself some days among the woods and mountains, till his retreat was discovered, as it is said, by a celestial light.

The pontificate of Gregory the Great, which lasted thirteen years six months and ten days, is one of the most edifying periods of the history of the church. His virtues, and even his faults, a singular mixture of simplicity and cunning, of pride and humility, of sense and superstition, were happily suited to his station and to the temper of the times. In his rival, the patriarch of Constantinople, he condemned the Antichristian title of universal bishop, which the successor of St. Peter was too haughty to concede, and too feeble to

Andreæ (John, in Vit. Greg. l. i. c. 6. Greg. l. vii. epist. 13.). This house and monastery were situate on the side of the Celian hill which fronts the Palatine; they are now occupied by the Camaldoli; San Gregorio triumphs, and St. Andrew has retired to a small chapel. Nardini, Roma Antica, l. iii. c. 9. p. 100. Descrizione di Roma, tom. i. p. 442—446.

assume; and the ecclesiastical jurisdiction of Gregory was confined to the triple character of bishop of Rome, primate of Italy, and apostle of the West. He frequently ascended the pulpit, and kindled, by his rude, though pathetic eloquence, the congenial passions of his audience: the language of the Jewish prophets was interpreted and applied, and the minds of the people, depressed by their present calamities, were directed to the hopes and fears of the invisible world. His precepts and example defined the model of the Roman liturgy*; the distribution of the parishes, the calendar of festivals, the order of processions, the service of the priests and deacons, the variety and change of sacerdotal garments. Till the last days of his life, he officiated in the canon of the mass, which continued above three hours; the Gregorian chant† has preserved the vocal and instrumental music of the theatre, and the rough voices of the Barbarians attempted to imitate the melody of the Roman school‡. Experience had shewn him the efficacy of these solemn and pompous rites, to sooth the distress, to confirm the faith, to mitigate the fierceness, and to dispel the dark enthusiasm of the vulgar, and he readily forgave their tendency to promote the reign of priesthood and superstition. The bishops of Italy and the adjacent islands acknowledged the Roman pontiff as their special metropolitan. Even the existence, the union, or the translation of episcopal seats, was decided by his absolute discretion: and

* His prayer consists of half a dozen lines: the *Sacramentarius* and *Antiphonarius* of Gregory fill 880 folio pages (tom. iii. P. i. p. 1—880.); yet these only constitute a part of the *Ordo Romanus*, which Mabillon has illustrated and Fleury has abridged (*Hist. Eccles.* tom. viii. p. 139—152).

† I learn from the Abbé Dubos (*Reflexions sur la Poésie et la Peinture*, tom. iii. p. 174, 175.) that the simplicity of the Ambrosian chant was confined to four *modos*, while the more perfect harmony of the Gregorian comprised the eight modes or fifteen chords of the ancient music. He observes (p. 392.) that the connoisseurs admire the preface and many passages of the Gregorian office.

‡ John the deacon (in *Vit. Greg.* l. ii. c. 7.) expresses the early contempt of the Italians for tramontane singing. *Alpina scilicet corpora vocum suarum tonitruis altissime perstreptentia, susceptæ modulationis dulcedinem proprio non resultant: quia bibuli gutturis barbara seritas dum inflexionibus et repercussionibus mitem nititur edere cantilenam, naturali quodam fragore quasi plaustra per gradus confuse sonantia rigidas voces jactat, &c.* In the time of Charlemagne, the Franks, though with some reluctance, admitted the justice of the reproach. *Muratori, Dissert. xxv.*

his successful inroads into the provinces of Greece, of Spain, and of Gaul, might countenance the more lofty pretensions of succeeding popes. He interposed to prevent the abuses of popular elections; his jealous care maintained the purity of faith and discipline, and the apostolic shepherd assiduously watched over the faith and discipline of the subordinate pastors. Under his reign, the Arians of Italy and Spain were reconciled to the catholic church, and the conquest of Britain reflects less glory on the name of Cæsar, than on that of Gregory the First. Instead of six legions, forty monks were embarked for that distant island, and the pontiff lamented the austere duties which forbade him to partake the perils of their spiritual warfare. In less than two years he could announce to the archbishop of Alexandria, that they had baptized the king of Kent with ten thousand of his Anglo-Saxons, and that the Roman missionaries, like those of the primitive church, were armed only with spiritual and supernatural powers. The credulity or the prudence of Gregory was always disposed to confirm the truths of religion by the evidence of ghosts, miracles, and resurrections*; and posterity has paid to *his* memory the same tribute, which he freely granted to the virtue of his own or the preceding generation. The celestial honours have been liberally bestowed by the authority of the popes, but Gregory is the last of their own order whom they have presumed to inscribe in the calendar of saints.

Their temporal power insensibly arose from the calamities of the times: and the Roman bishops who have deluged Europe and Asia with blood, were compelled to reign as the ministers of charity and peace. I. The church of Rome, as it has been formerly observed, was endowed with ample possessions in Italy, Sicily, and the more distant provinces; and her agents, who were commonly subdeacons, had acquired a civil, and even criminal, jurisdiction over their tenants and husbandmen. The successor of St. Peter administered his patrimony with the temper of a vigilant and

* A French critic (Petrus Gussanvillus, Opera, tom. ii. p. 105—112.) has vindicated the right of Gregory to the entire nonsense of the Dialogues. Dupin (tom. v. p. 138.) does not think that any one will vouch for the truth of all these miracles; I should like to know *how many* of them he believed himself.

moderate landlord *; and the epistles of Gregory are filled with salutary instructions to abstain from doubtful or vexatious law-suits; to preserve the integrity of weights and measures; to grant every reasonable delay, and to reduce the capitation of the slaves of the glebe, who purchased the right of marriage by the payment of an arbitrary fine†. The rent or the produce of these estates was transported to the mouth of the Tyber, at the risk and expence of the pope; in the use of wealth he acted like a faithful steward of the church and the poor, and liberally applied to their wants the inexhaustible resources of abstinence and order. The voluminous account of his receipts and disbursements was kept above three hundred years in the Lateran, as the model of Christian œconomy. On the four great festivals, he divided their quarterly allowance to the clergy, to his domestics, to the monasteries, the churches, the places of burial, the alms-houses, and the hospitals of Rome, and the rest of the diocese. On the first day of every month, he distributed to the poor, according to the season, their stated portion of corn, wine, cheese, vegetables, oil, fish, fresh provisions, cloths, and money; and his treasures were continually summoned to satisfy, in his name, the extraordinary demands of indigence and merit. The instant distress of the sick and helpless, of strangers and pilgrims, was relieved by the bounty of each day, and of every hour; nor would the pontiff indulge himself in a frugal repast, till he had sent the dishes from his own table to some objects deserving of his compassion. The misery of the times had reduced the nobles and matrons of Rome to accept, without a blush, the benevolence of the church: three thousand virgins received their food and raiment from the hand of their benefactor; and many bishops of Italy escaped from the Barbarians to the

* Baronius is unwilling to expatiate on the care of the patrimonies, lest he should betray that they consisted not of *kingdoms* but *farms*. The French writers, the Benedictine editors (tom. iv. l. iii. p. 272, &c.), and Fleury (tom. viii. p. 29, &c.), are not afraid of entering into these humble, though useful details; and the humanity of Fleury dwells on the social virtues of Gregory.

† I much suspect that this pecuniary fine on the marriages of villains produced the famous, and often fabulous, right, *de cuissage, de marquette*, &c. With the consent of her husband, an handsome bride might commute the payment in the arms of a young landlord, and the mutual favour might afford a precedent of local rather than legal tyranny.

hospitable threshold of the Vatican. Gregory might justly be styled the Father of his Country; and such was the extreme sensibility of his conscience, that, for the death of a beggar who had perished in the streets, he interdicted himself during several days from the exercise of sacerdotal functions. II. The misfortunes of Rome involved the apostolical pastor in the business of peace and war; and it might be doubtful to himself, whether piety or ambition prompted him to supply the place of his absent sovereign. Gregory awakened the emperor from a long slumber, exposed the guilt or incapacity of the exarch and his inferior ministers, complained that the veterans were withdrawn from Rome for the defence of Spoleto, encouraged the Italians to guard their cities and altars; and condescended, in the crisis of danger, to name the tribunes, and to direct the operations of the provincial troops. But the martial spirit of the pope was checked by the scruples of humanity and religion; the imposition of tribute, though it was employed in the Italian war, he freely condemned as odious and oppressive; whilst he protected against the imperial edicts, the pious cowardice of the soldiers who deserted a military for a monastic life. If we may credit his own declarations, it would have been easy for Gregory to exterminate the Lombards by their domestic factions, without leaving a king, a duke, or a count, to save that unfortunate nation from the vengeance of their foes. As a Christian bishop, he preferred the salutary offices of peace; his mediation appeased the tumult of arms; but he was too conscious of the arts of the Greeks, and the passions of the Lombards, to engage his sacred promise for the observance of the truce. Disappointed in the hope of a general and lasting treaty, he presumed to save his country without the consent of the emperor or the exarch. The sword of the enemy was suspended over Rome; it was averted by the mild eloquence and seasonable gifts of the pontiff, who commanded the respect of heretics and Barbarians. The merits of Gregory were treated by the Bazantine court with reproach and insult; but in the attachment of a grateful people, he found the purest reward of a citizen, and the best right of a sovereign*.

* The temporal reign of Gregory I. is ably exposed by Sigonius in the first book, de Regno Italix. See his works, tom. ii. p. 44—72.

CHAP. XLVI.

Revolutions of Persia after the Death of Chosroes or Nushirvan.—His Son Hormouz, a Tyrant, is deposed.—Usurpation of Baharam.—Flight and Restoration of Chosroes II.—His Gratitude to the Romans.—The Chagan of the Avars.—Revolt of the Army against Maurice.—His Death.—Tyranny of Phocas.—Elevation of Heraclius.—The Persian War.—Chosroes subdues Syria, Egypt, and Asia Minor.—Siege of Constantinople by the Persians and Avars.—Persian Expeditions.—Victories and Triumph of Heraclius.

THE conflict of Rome and Persia was prolonged from the death of Crassus to the reign of Heraclius. An experience of seven hundred years might convince the rival nations of the impossibility of maintaining their conquests, beyond the fatal limits of the Tigris and Euphrates. Yet the emulation of Trajan and Julian was awakened by the trophies of Alexander, and the sovereigns of Persia indulged the ambitious hope of restoring the empire of Cyrus*. Such extraordinary efforts of power and courage will always command the attention of posterity; but the events by which the fate of nations is not materially changed, leave a faint impression on the page of history, and the patience of the reader would be exhausted by the repetition of the same hostilities, undertaken without cause, prosecuted without glory, and terminated without effect. The arts of negotiation, unknown to the simple greatness of the senate and the Cæsars, were assiduously cultivated by the Byzantine princes; and the memorials of their perpetual embassies† repeat, with the same uniform prolixity, the language of

* *Missis qui . . . reposcerent . . . veteres Persarum ac Macedonum terminos, sequi invasurum possessa Cyro et post Alexandro, per vaniloquentiam ac minus jaciebat.* Tacit. Annal. vi. 31. Such was the language of the *Arsacides*: I have repeatedly marked the lofty claims of the *Sassanians*.

† See the embassies of Menander, extracted and preserved in the xth century by the order of Constantine Porphyrogenitus.

falsehood and declamation, the insolence of the Barbarians, and the servile temper of the tributary Greeks. Lamenting the barren superfluity of materials, I have studied to compress the narrative of these uninteresting transactions: but the just Nushirvan is still applauded as the model of Oriental kings, and the ambition of his grandson Chosroes prepared the revolution of the East, which was speedily accomplished by the arms and the religion of the successors of Mahomet.

In the useless altercations, that precede and justify the quarrels of princes, the Greeks and the Barbarians accused each other of violating the peace which had been concluded between the two empires about four years before the death of Justinian. The sovereign of Persia and India aspired to reduce under his obedience the province of Yemen or Arabia* Felix, the distant land of myrrh and frankincense, which had escaped, rather than opposed, the conquerors of the East. After the defeat of Abrahah under the walls of Mecca, the discord of his sons and brothers gave an easy entrance to the Persians: they chased the strangers of Abyssinia beyond the Red Sea; and a native prince of the ancient Homerites was restored to the throne as the vassal or viceroy of the great Nushirvan†. But the nephew of Justinian declared his resolution to avenge the injuries of his Christian ally the prince of Abyssinia, as they suggested a decent pretence to discontinue the annual *tribute*, which was poorly disguised by the name of pension. The churches of Persarmenia were oppressed by the intolerant spirit of the Magi; they secretly invoked the protector of the Christians, and after the pious murder of their satraps, the rebels were avowed and supported as the brethren and subjects of

* The general independence of the Arabs, which cannot be admitted without many limitations, is blindly asserted in a separate dissertation of the authors of the Universal History, vol. xx. p. 196—250. A perpetual miracle is supposed to have guarded the prophecy in favour of the posterity of Ishmael; and these learned bigots are not afraid to risk the truth of Christianity on this frail and slippery foundation.

† D'Herbelot, Biblioth. Orient. p. 477. Poock, Specimen Hist. Arabum, p. 64, 65. Father Pagi (Critica, tom. ii. p. 646.) has proved that after ten years' peace, the Persian war, which continued twenty years, was renewed A.D. 571. Mahomet was born A.D. 569, in the year of the elephant, or the defeat of Abrahah (Gagnier, Vie de Mahomet, tom. i. p. 89, 90. 98.); and this account allows two years for the conquest of Yemen.

the Roman emperor. The complaints of Nushirvan were disregarded by the Byzantine court; Justin yielded to the importunities of the Turks, who offered an alliance against the common enemy; and the Persian monarchy was threatened at the same instant by the united forces of Europe, of Æthiopia, and of Scythia. At the age of fourscore, the sovereign of the East would perhaps have chosen the peaceful enjoyment of his glory and greatness: but as soon as war became inevitable, he took the field with the alacrity of youth, whilst the aggressor trembled in the palace of Constantinople. Nushirvan, or Chosroes, conducted in person the siege of Dara; and although that important fortress had been left destitute of troops and magazines, the valour of the inhabitants resisted above five months the archers, the elephants, and the military engines of the great king. In the mean while his general Adarman advanced from Babylon, traversed the desert, passed the Euphrates, insulted the suburbs of Antioch, reduced to ashes the city of Apamea, and laid the spoils of Syria at the feet of his master, whose perseverance in the midst of winter at length subverted the bulwark of the East. But these losses, which astonished the provinces and the court, produced a salutary effect in the repentance and abdication of the emperor Justin: a new spirit arose in the Byzantine councils; and a truce of three years was obtained by the prudence of Tiberius. That seasonable interval was employed in the preparation of war; and the voice of rumour proclaimed to the world, that from the distant countries of the Alps and the Rhine, from Scythia, Mæsia, Pannonia, Illyricum, and Isauria, the strength of the Imperial cavalry was reinforced with one hundred and fifty thousand soldiers. Yet the king of Persia, without fear, or without faith, resolved to prevent the attack of the enemy: again passed the Euphrates, and dismissing the ambassadors of Tiberius, arrogantly commanded them to await his arrival at Cæsarea, the metropolis of the Cappadocian provinces. The two armies encountered each other in the battle of Melitene: the Barbarians, who darkened the air with a cloud of arrows, prolonged their line, and extended their wings across the plain; while the Romans, in deep and solid bodies, expected to prevail in closer action,

by the weight of their swords and lances. A Scythian chief, who commanded their right wing, suddenly turned the flank of the enemy, attacked their rear-guard in the presence of Chosroes, penetrated to the midst of the camp, pillaged the royal tent, profaned the eternal fire, loaded a train of camels with the spoils of Asia, cut his way through the Persian host, and returned with songs of victory to his friends, who had consumed the day in single combats, or ineffectual skirmishes. The darkness of the night, and the separation of the Romans, afforded the Persian monarch an opportunity of revenge; and one of their camps was swept away by a rapid and impetuous assault. But the review of his loss, and the consciousness of his danger, determined Chosroes to a speedy retreat; he burnt, in his passage, the vacant town of Melitene; and, without consulting the safety of his troops, boldly swam the Euphrates on the back of an elephant. After this unsuccessful campaign, the want of magazines, and perhaps some inroad of the Turks, obliged him to disband or divide his forces; the Romans were left masters of the field, and their general Justinian, advancing to the relief of the Persarmenian rebels, erected his standard on the banks of the Araxes. The great Pompey had formerly halted within three days' march of the Caspian*: that inland sea was explored, for the first time, by an hostile fleet†, and seventy thousand captives were transplanted from Hyrcania to the isle of Cyprus. On the return of spring, Justinian descended into the fertile plains of Assyria, the flames of war approached the residence of Nushirvan, the indignant monarch sunk into the grave, and his last edict restrained his successors from exposing their person in a battle against the Romans. Yet the memory of this tran-

* He had vanquished the Albanians, who brought into the field 12,000 horse and 60,000 foot; but he dreaded the multitude of venomous reptiles, whose existence may admit of some doubt, as well as that of the neighbouring Amazons. Plutarch. in Pompeio, tom. ii. p. 1165, 1166.

† In the history of the world I can only perceive two navies on the Caspian: 1. Of the Macedonians, when Patrocles, the admiral of the kings of Syria, Seleucus and Antiochus, descended most probably the river Oxus, from the confines of India (Plin. Hist. Natur. vi. 21.). 2. Of the Russians, when Peter the First conducted a fleet and army from the neighbourhood of Moscow to the coast of Persia (Bell's Travels, vol. ii. p. 325—352.). He justly observes, that such martial pomp had never been displayed on the Volga.

sient affront was lost in the glories of a long reign; and his formidable enemies, after indulging their dream of conquest, again solicited a short respite from the calamities of war*.

The throne of Chosroes Nushirvan was filled by Hormouz, or Hormisdas, the eldest or the most favoured of his sons. With the kingdoms of Persia and India, he inherited the reputation and example of his father, the service, in every rank, of his wise and valiant officers, and a general system of administration, harmonised by time and political wisdom to promote the happiness of the prince and people. But the royal youth enjoyed a still more valuable blessing, the friendship of a sage who had presided over his education, and who always preferred the honour to the interest of his pupil, his interest to his inclination. In a dispute with the Greek and Indian philosophers, Buzurg† had once maintained, that the most grievous misfortune of life is old age without the remembrance of virtue; and our candour will presume that the same principle compelled him, during three years, to direct the councils of the Persian empire. His zeal was rewarded by the gratitude and docility of Hormouz, who acknowledged himself more indebted to his preceptor than to his parent: but when age and labour had impaired the strength and perhaps the faculties of this prudent counsellor, he retired from court, and abandoned the youthful monarch to his own passions and those of his favourites. By the fatal vicissitude of human affairs, the same scenes were renewed at Ctesiphon, which had been exhibited in Rome after the death of Marcus Antoninus. The ministers of flattery and corruption, who had been banished by the father, were recalled and cherished by the

* For these Persian wars and treaties, see Menander, in Excerpt. Legat. p. 113—125. Theophanes Byzant. apud Photium, cod. lxiv. p. 77. 80, 81. Evagrius, l. v. c. 7—15. Theophylact, l. iii. c. 9—16. Agathias, l. iv. p. 140.

† Buzurg Mihir may be considered, in his character and station, as the Seneca of the East; but his virtues, and perhaps his faults, are less known than those of the Roman, who appears to have been much more loquacious. The Persian sage was the person who imported from India the game of chess and the fables of Pilpay. Such has been the fame of his wisdom and virtues, that the Christians claim him as a believer in the gospel; and the Mahometans revere Buzurg as a premature Mussulman. D'Herbelot, Bibliothèque Orientale, p. 218.

and the disgrace and exile of the friends of Nushirvan established their tyranny; and virtue was driven by degrees from the mind of Hormouz, from his palace, and from the government of the state. The faithful agents, the eyes and ears of the king, informed him of the progress of disorder, that the provincial governors flew to their prey with the fierceness of lions and eagles, and that their rapine and injustice would teach the most loyal of his subjects to abhor the name and authority of their sovereign. The sincerity of this advice was punished with death, the murmurs of the cities were despised, their tumults were quelled by military execution; the intermediate powers between the throne and the people were abolished; and the childish vanity of Hormouz, who affected the daily use of the tiara, was fond of declaring, that he alone would be the judge as well as the master of his kingdom. In every word, and in every action, the son of Nushirvan degenerated from the virtues of his father. His avarice defrauded the troops; his jealous caprice degraded the satraps; the palace, the tribunals, the waters of the Tigris, were stained with the blood of the innocent, and the tyrant exulted in the sufferings and execution of thirteen thousand victims. For the excuse of his cruelty, he sometimes condescended to observe, that the fears of the Persians would be productive of hatred, and that their hatred must terminate in rebellion; but he forgot that his own guilt and folly had inspired the sentiments which he deplored, and prepared the event which he so justly apprehended. Exasperated by long and hopeless oppression, the provinces of Babylon, Susa, and Carmania, erected the standard of revolt; and the princes of Arabia, India, and Scythia, refused the customary tribute to the unworthy successor of Nushirvan. The arms of the Romans, in slow sieges and frequent inroads, afflicted the frontiers of Mesopotamia and Assyria; one of their generals proclaimed himself the disciple of Scipio, and the soldiers were animated by a miraculous image of Christ, whose mild aspect could never have been displayed in the front of battle. At the

* See the imitation of Scipio in Theophylact, l. 2. c. 2. and the image of Christ, l. 11. c. 2. However I shall speak more fully of the Christian image—I had almost said that, I do, if I may be allowed to say so.

same time, the eastern provinces of Persia were invaded by the great khan, who passed the Oxus at the head of three or four hundred thousand Turks. The imprudent Hormuz accepted their perfidious and formidable aid; the cities of Khorasan or Bactriana were commanded to open their gates; the march of the Barbarians towards the mountains of Hyrcania revealed the correspondence of the Turkish and Roman arms; and their union must have subverted the throne of the house of Sassan.

Persia had been lost by a king; it was saved by an hero. After his revolt, Varanes or Bahram is stigmatised by the son of Hormouz as an ungrateful slave: the proud and ambiguous reproach of despotism, since he was truly descended from the ancient princes of Rei*, one of the seven families whose splendid, as well as substantial prerogatives exalted them above the heads of the Persian nobility†. At the siege of Dara, the valour of Bahram was signalized under the eyes of Nushirvan, and both the father and son successively promoted him to the command of armies, the government of Media, and the superintendence of the palace. The popular prediction which marked him as the deliverer of Persia, might be inspired by his past victories and extraordinary figure: the epithet *Grubin* is expressive of the quality of *dry wood*; he had the strength and stature of a

oldest *αἰγιόχοιοιτος* of divine manufacture; but in the next thousand years, many others issued from the same work-shop.

* Raga, or Rei, is mentioned in the apocryphal book of Tobit as already flourishing, 700 years before Christ, under the Assyrian empire. Under the foreign names of Europus and Asacia, this city, 500 stadia to the south of the Caspian gates, was successively embellished by the Macedonians and Parthians (Strabo, l. xii p. 796.). Its grandeur and populousness in the ixth century is exaggerated beyond the bounds of credibility; but Rei has been since ruined by wars and the unwholesomeness of the air. Chardin, *Voyage en Perse*, tom. i. p. 279, 280. D'Hérbelot. *Biblioth. Oriental.* p. 714.

† Theophylact, l. iii. c. 18. The story of the seven Persians is told in the third book of Herodotus; and their noble descendants are often mentioned, especially in the fragments of Ctesias. Yet the independence of Persians (Herodot. l. iii. c. 83, 84.) is hostile to the spirit of despotism, and it may not seem probable that the seven families could survive the revolutions of eleven hundred years. They might however be represented by the seven ministers (Brisson, de Regno Persico, l. i. p. 190.); and some Persian nobles, like the kings of Persia (Polyb. l. v. p. 540.) and Cappadocia (Diodor. Sicul. l. xxxi. tom. ii. p. 517.) might claim their descent from the bold companions of Darius.

glare, and the savage countenance was fancifully compared
to that of a wild cat. While the nation trembled, while
Hormouz dignified his terror by the name of suspicion, and
his servants concealed their disloyalty under the mask of
fear, Bahram alone displayed his undaunted courage and
apparent fidelity: and as soon as he found that no more
than twelve thousand soldiers would follow him against the
enemy, he prudently declared, that to this fatal number
heaven had reserved the honours of the triumph. The steep
and narrow descent of the Pale Rudbar * or Hyrcanian
rock, is the only pass through which an army can penetrate
into the territory of Rei and the plains of Media. From
the commanding heights, a band of resolute men might
overwhelm with stones and darts the myriads of the Turkish
host: their emperor and his son were transpierced with
arrows; and the fugitives were left, without counsel or pro-
visions, to the revenge of an injured people. The patri-
otism of the Persian general was stimulated by his affection
for the city of his forefathers: in the hour of victory every
peasant became a soldier, and every soldier an hero; and
their ardour was kindled by the gorgeous spectacle of beds,
and thrones, and tables of massy gold, the spoils of Asia,
and the luxury of the hostile camp. A prince of a less
malignant temper could not easily have forgiven his bene-
factor, and the secret hatred of Hormouz was envenomed
by a malicious report, that Bahram had privately retained
the most precious fruits of his Turkish victory. But the
approach of a Roman army on the side of the Araxes com-
pelled the implacable tyrant to smile and to applaud; and the
coils of Bahram were rewarded with the permission of
encountering a new enemy, by their skill and discipline
more formidable than a Scythian multitude. Elated by his
recent success, he dispatched an herald with a bold defiance
to the camp of the Romans, requesting them to fix a day of
battle, and to chuse whether they would pass the river them-
selves, or allow a free passage to the arms of the great king.
The lieutenant of the emperor Maurice preferred the safer

* See an accurate description of this mountain by Olearius (Voyage
en Perse, p. 607, 608.), who ascended it with much difficulty and danger
in his return from Ispahan to the Caspian sea.

alternative, and this local circumstance, which would have enhanced the victory of the Persians, rendered their defeat more bloody and their escape more difficult. But the loss of his subjects, and the danger of his kingdom, were overbalanced in the mind of Hormouz by the disgrace of his personal enemy; and no sooner had Bahram collected and reviewed his forces, than he received from a royal messenger the insulting gift of a distaff, a spinning wheel, and a complete suit of female apparel. Obedient to the will of his sovereign, he shewed himself to the soldiers in this unworthy disguise; they resented his ignomy and their own; a shout of rebellion ran through the ranks, and the general accepted their oath of fidelity and vows of revenge. A second messenger, who had been commanded to bring the rebel in chains, was trampled under the feet of an elephant, and manifestos were diligently circulated, exhorting the Persians to assert their freedom against an odious and contemptible tyrant. The defection was rapid and universal: his loyal slaves were sacrificed to the public fury; the troops deserted to the standard of Bahram; and the provinces again saluted the deliverer of his country.

As the passes were faithfully guarded, Hormouz could only compute the number of his enemies by the testimony of a guilty conscience, and the daily defection of those who, in the hour of his distress, avenged their wrongs, or forgot their obligations. He proudly displayed the enigmas of royalty; but the city and palace of Modain had already escaped from the hand of the tyrant. Among the victims of his cruelty, Bindoes, a Sassanian prince, had been cast into a dungeon: his fetters were broken by the zeal and courage of a brother; and he stood before the king, at the head of those trusty guards, who had been chosen as the ministers of his confinement, and perhaps of his death. Alarmed by the hasty intrusion and bold reproaches of the captive, Hormouz looked round, but in vain, for advice or assistance; discovered that his strength consisted in the obedi-
 ence of others, and patiently yielded to the single arm of Bindoes, who dragged him from the throne to the same dungeon in which he himself had been so lately confined. At the first tumult, Chosroes, the eldest of the sons of Hor-

111
more, started from the city; he was persuaded to return by the pressing and friendly invitation of Sindoes, who promised to seat him on his father's throne, and who expected to reign under the name of an inexperienced youth. In the just assurance, that his accomplices could neither forgive nor hope to be forgiven, and that every Persian might be trusted as the judge and enemy of the tyrant, he instituted a public trial without a precedent and without a copy in the annals of the East. The son of Nushirvan, who had requested to plead in his own defence, was introduced as a criminal into the full assembly of the nobles and satraps *. He was heard with decent attention as long as he expatiated on the advantages of order and obedience, the danger of innovation, and the inevitable discord of those who had encouraged each other to trample on their lawful and hereditary sovereign. By a pathetic appeal to their humanity, he extorted that pity which is seldom refused to the fallen fortunes of a king; and while they beheld the abject posture and squalid appearance of the prisoner, his tears, his chains, and the marks of ignominious stripes, it was impossible to forget how recently they had adored the divine splendour of his diadem and purple. But an angry murmur arose in the assembly as soon as he presumed to vindicate his conduct, and to applaud the victories of his reign. He defied the duties of a king, and the Persian nobles listened with a smile of contempt; they were fired with indignation when he dared to vilify the character of Chosroes; and by the indiscreet offer of resigning the sceptre to the second of his sons, he subscribed his own condemnation, and sacrificed the life of his innocent favourite. The mangled bodies of the boy and his mother were exposed to the people; the eyes of Hormouz were pierced with a hot needle; and the punishment of the father was succeeded by the coronation of his eldest son. Chosroes had ascended the throne without guilt, and his piety strove to alleviate the misery of the abdicated monarch, from the dungeon he removed Hormouz to an apartment of the palace.

* The Orientals suppose that Bahram convened this assembly and proclaimed Chosroes; but Theophylact is, in this instance, more credible and credible.

supplied with liberality the consolations of sensual enjoyment, and patiently endured the furious sallies of resentment and despair. He might despise the resentment of a blind and unpopular tyrant, but the tiara was trembling on his head, till he could subvert the power, or acquire the friendship, of the great Bahram, who sternly denied the justice of a revolution, in which himself and his soldiers, the true representatives of Persia, had never been consulted. The offer of a general amnesty, and of the second rank in his kingdom, was answered by an epistle from Bahram, friend of the gods, conqueror of men, and enemy of tyrants, the satrap of satraps, general of the Persian armies, and a prince adorned with the title of eleven virtues*. He commands Chosroes, the son of Hormouz, to shun the example and fate of his father, to confine the traitors who had been released from their chains, to deposit in some holy place the diadem which he had usurped, and to accept from his gracious benefactor the pardon of his faults and the government of a province. The rebel might not be proud, and the king most assuredly was not humble; but the one was conscious of his strength, the other was sensible of his weakness; and even the modest language of his reply still left room for treaty and reconciliation. Chosroes led into the field the slaves of the palace and the populace of the capital: they beheld with terror the banners of a veteran army; they were encompassed and surprised by the evolutions of the general; and the satraps who had deposed Hormouz, received the punishment of their revolt, or expiated their first treason by a second and more criminal act of disloyalty. The life and liberty of Chosroes were saved, but he was reduced to the necessity of imploring aid or refuge in some foreign land; and the implacable Bindoes, anxious to secure an unquestionable title, hastily returned to the palace, and ended, with a bow-string, the wretched existence of the son of Nushirvan†.

* See the words of Theophylact, l. iv. c. 7. Βασιλεὺς Θεός, αὐτοκράτωρ ἐκθρόνος, σατραπὴς μεγάλων, τῶν ἡσυχίου δυναστῶν, &c. In this answer, Chosroes styles himself τὸν ἡσυχίου δυναστῶν, &c. . . . ὁ τῶν Ἀρμενίων (the genii) μετὰ τῶν ἡσυχίου δυναστῶν. In genuine Oriental bombast.

† Theophylact (l. iv. c. 7.) imputes the death of Hormouz to his

While Chosroes dispatched the preparations of his retreat, he deliberated with his remaining friends, whether he should lurk in the valleys of Mount Caucasus, or fly to the tents of the Turks, or solicit the protection of the emperor. The long emulation of the successors of Artaxerxes and Constantine increased his reluctance to appear as a suppliant in a rival court; but he weighed the forces of the Romans, and prudently considered, that the neighbourhood of Syria would render his escape more easy and their succours more effectual. Attended only by his concubines, and a troop of thirty guards, he secretly departed from the capital, followed the banks of the Euphrates, traversed the desert, and halted at the distance of ten miles from Circesium. About the third watch of the night, the Roman præfect was informed of his approach, and he introduced the royal stranger to the fortress at the dawn of day. From thence the king of Persia was conducted to the more honourable residence of Hierapolis; and Maurice dissembled his pride, and displayed his benevolence, at the reception of the letters and ambassadors of the grandson of Nushirvan. They humbly represented the vicissitudes of fortune and the common interest of princes, exaggerated the ingratitude of Bahram the agent of the evil principle, and urged, with specious arguments, that it was for the advantage of the Romans themselves to support the two monarchies which balance the world, the two great luminaries by whose salutary influence it is vivified and adorned. The anxiety of Chosroes was soon relieved by the assurance, that the emperor had espoused the cause of justice and royalty; but Maurice prudently declined the expence and delay of his useless visit to Constantinople. In the name of his generous benefactor, a rich diadem was presented to the fugitive prince

by whose command he was beaten to death with clubs. I have followed the milder account of Khondemir and Eutychius, and shall always be content with the slightest evidence to extenuate the crime of parricide.

After the battle of Pharsalia, the Pompey of Lucan, (l. viii. 257-280,) holds a similar debate. He was himself desirous of seeking the Parthians; but his companions abhorred the unnatural alliance, and the adverse prejudices might operate as forcibly as Chosroes and his companions, who could describe, with the same vehemence, the contrast of laws, religion, and manners, between the East and West.

with an estimable gift of jewels and gold; a powerful army was assembled on the frontiers of Syria and Armenia, under the command of the valiant and faithful Narses*, and this general, of his own nation, and his own choice, was directed to pass the Tigris, and never to sheath his sword till he had restored Chosroes to the throne of his ancestors. The enterprise, however splendid, was less arduous than it might appear. Persia had already repented of her fatal rashness, which betrayed the heir of the house of Sassan to the ambition of a rebellious subject; and the bold refusal of the Magi to consecrate his usurpation, compelled Bahram to assume the sceptre, regardless of the laws and prejudices of the nation. The palace was soon distracted with conspiracy, the city with tumult, the provinces with insurrection; and the cruel execution of the guilty and the suspected, served to irritate rather than subdue the public discontent. No sooner did the grandson of Nushirvan display his own and the Roman banners beyond the Tigris, than he was joined, each day, by the increasing multitudes of the nobility and people; and as he advanced, he received from every side the grateful offerings of the keys of his cities and the heads of his enemies. As soon as Modain was freed from the presence of the usurper, the loyal inhabitants obeyed the first summons of Mebodes at the head of only two thousand horse, and Chosroes accepted the sacred and precious ornaments of the palace as the pledge of their truth and a presage of his approaching success. After the junction of the imperial troops, which Bahram vainly struggled to prevent, the contest was decided by two battles on the banks of the Zab, and the confines of Media. The Romans, with the faithful subjects of Persia, amounted to sixty thousand, while the whole force of the usurper did not

* In this age there were three warriors of the name of Narses, who have been often confounded (Pagi, Critica, tom. ii. p. 640.): 1. A Sarmatian, the brother of Isaac and Armatius, who, after a successful action against Belisarius, deserted from his Persian sovereign, and afterwards served in the Italian war.—2. The eunuch who conquered the Persians. 3. The restorer of Chosroes, who is celebrated in the poem of Corippus (l. iii. 220—227.) as *excelsus super omnia vertice agmina . . . modestus . . . morum probitate placens, virtute verendus; fulminans, cæcatus, vigilans, &c.*

Chosroes, proclaimed his confidence in the fidelity of the strangers; his growing strength enabled him to dismiss his unpopular aid, but he steadily professed the same gratitude and reverence to his adopted father; and till the death of Maurice, the peace and alliance of the two empires were faithfully maintained. Yet the mercenary friendship of the Roman prince had been purchased with costly and important gifts: the strong cities of Martyropolis and Dara were restored; and the Persarmenians became the willing subjects of an empire, whose eastern limit was extended, beyond the example of former times, as far as the banks of the Araxes and the neighbourhood of the Caspian. A pious hope was indulged, that the church as well as the state might triumph in this revolution; but if Chosroes had sincerely listened to the Christian bishops, the impression was erased by the zeal and eloquence of the Magi: if he was armed with philosophic indifference, he accommodated his belief, or rather his professions, to the various circumstances of an exile and a sovereign. The imaginary conversion of the king of Persia was reduced to a local and superstitious veneration for Sergius*, one of the saints of Antioch, who heard his prayers and appeared to him in dreams; he enriched the shrine with offerings of gold and silver, and ascribed to this invisible patron, the success of his arms, and the pregnancy of Sira, a devout Christian, and the best beloved of his wives†. The beauty of Sira, or Schirin ‡, her wit, her musical talents, are still famous in the history or rather in the romances of the East: her own name is expressive, in the Persian tongue, of sweet-

* Sergius and his companion Bacchus, who are said to have suffered in the persecution of Maximin, obtained divine honour in France, Italy, Constantinople, and the East. Their tomb at Rasaphe was famous for miracles, and that Syrian town acquired the more honourable name of Sergiopolis. Tillemont, *Mém. Eccles.* tom. v. p. 401—406. Butler's *Saints*, vol. x. p. 155.

† Evagrius (l. vi. c. 21.) and Theophylact (l. v. c. 13, 14.) have preserved the original letters of Chosroes, written in Greek, signed with his own hand, and afterwards inscribed on crosses and tables of gold, which were deposited in the church of Sergiopolis. They had been sent to the bishop of Antioch, as primate of Syria.

‡ The Greeks only describe her as a Roman by birth, a Christian by religion; but she is represented as the daughter of the emperor Mithran in the Persian and Turkish romances, which celebrate the love of Chosroes for Schirin, or Schirin for Ferhad, the most beautiful youth of the East. D'Herbelot, *Biblioth. Orient.* p. 789, 997, 998.

and grace, and the epithet of Paraklides to the charms of her royal lover. Yet Sira never shared the passion which she inspired, and the bliss of Chosroes was tortured by a jealous doubt, that while he possessed her person, she had bestowed her affections on a meander favourite*.

While the majesty of the Roman name was revived in the East, the prospect of Europe is less pleasing and less glorious. By the departure of the Lombards, and the ruin of the Gepides, the balance of power was destroyed on the Danube; and the Avars spread their permanent dominion from the foot of the Alps to the sea-coast of the Euxine. The reign of Baian is the brightest æra of their monarchy; their chagan, who occupied the rustic palace of Attila, appears to have imitated his character and policy†; but as the same scenes were repeated in a smaller circle, a minute representation of the copy would be devoid of the greatness and novelty of the original. The pride of the second Justin, of Tiberius, and Maurice, was humbled by a proud Barbarian, more prompt to inflict, than exposed to suffer, the injuries of war; and as often as Asia was threatened by the Persian arms, Europe was oppressed by the dangerous inroads, or costly friendships, of the Avars. When the Roman envoys approached the

* The whole series of the tyranny of Hormouz, the revolt of Babram, and the flight and restoration of Chosroes, is related by two contemporary Greeks—more concisely by Evagrius (l. vi. c. 16, 17, 18, 19.)—and most diffusely by Theophylact Simocatta (l. iii. c. 6—18. l. iv. c. 1—16. l. v. c. 1—16.); succeeding compilers, Zonaras and Cedrenus, can only transcribe and abridge. The Christian Arabs, Eutychius (Annal. tom. ii. p. 200—208.) and Abulpharagius (Dynast. p. 96—98.), appear to have consulted some particular memoirs. The great Persian historians of the xvth century, Mirkhond and Khondemir, are only known to me by the imperfect extracts of Shikard (Tarikh, p. 150—155.), Texeira, or rather Stevens (Hist. of Persia, p. 182—186.), a Turkish MS. translated by the Abbé Fourmont (Hist. de l'Academie des Inscriptions, tom. vii. p. 325—334.), and d'Herbelot (aux mots, *Hormouz*, p. 457—459. *Babram*, p. 174. *Khosrou Parviz*, p. 206.). Were I perfectly satisfied of their authority, I could wish these Oriental materials had been more copious.

† A general idea of the pride and power of the chagan may be taken from Menander (Excerpt. Legat. p. 117, &c.) and Theophylact (l. i. c. 3. l. vii. c. 16.), whose eyes books are much more honourable to the Avar than to the Roman prince. The predecessors of Baian had tasted the liberality of Rome, and he survived the reign of Maurice (Eust. Hist. des Peuples Barbares, tom. xi. p. 545.). The chagan who invaded Italy A. D. 611, (Muratori, Annali, tom. v. p. 205.) was then juvenili ætate florentissimus (Paul Warnefrid, de Gest. Langubard. l. v. c. 28.), the son, perhaps or the grandson, of Baian.

presence of an *chagan*, they were commanded to wait at the door of his tent, till at the end perhaps of ten or twelve days, he condescended to admit them. If the substance or the style of their message was offensive to his ear, he insulted, with a real or affected fury, their own dignity, and that of their prince; their baggage was plundered, and their lives were only saved by the promise of a richer present and a more respectful address. But *his* sacred ambassadors enjoyed and abused an unbounded licence in the midst of Constantinople: they urged, with importunate clamours, the increase of tribute, or the restitution of captives and deserters; and the majesty of the empire was almost equally degraded by a base compliance, or by the false and fearful excuses with which they eluded such insolent demands. The *chagan* had never seen an elephant; and his curiosity was excited by the strange, and perhaps fabulous, portrait of that wonderful animal. At his command, one of the largest elephants of the Imperial stables was equipped with stately caparisons, and conducted by a numerous train to the royal village in the plains of Hungary. He surveyed the enormous beast with surprise, with disgust, and possibly with terror; and smiled at the vain industry of the Romans, who, in search of such useless rarities could explore the limits of the land and sea. He wished, at the expence of the emperor, to repose in a golden bed. The wealth of Constantinople, and the skilful diligence of her artists, were instantly devoted to the gratification of his caprice; but when the work was finished, he rejected with scorn a present so unworthy the majesty of a great king*. These were the casual sallies of his pride, but the avarice of the *chagan* was a more steady and tractable passion: a rich and regular supply of silk apparel, furniture, and plate, introduced the rudiments of art and luxury among the tents of the Scythians; their appetite was stimulated by the pepper and cinnamon of India†; the annual subsidy or

* Theophylact, l. i. c. 5, 6.

† Even in the field, the *chagan* delighted in the use of these aromatics. He solicited for a gift, *Indum; naryxas*, and received *vinum; naryxas*. *Indum; naryxas* is the gift, *Indum; naryxas*, and received *vinum; naryxas*. Theophylact, l. vii. c. 15. The Europeans of the ruder ages consumed more spices in their meat and drink than is compatible with the delicacy of a modern palate. Vie Privée des François, tom. ii. p. 162, 163.

tribute was raised from Scythians to one hundred and twenty thousand pieces of gold, and after such hostile interruption, the payment of the arrears, with exorbitant interest, was always made the first condition of the new treaty. In the language of a Barbarian without guile, the prince of the Avars affected to complain of the insincerity of the Greeks*, yet he was not inferior to the most civilized nations in the refinements of dissimulation and perfidy. As the successor of the Lombards, the chagan asserted his claim to the important city of Sirmium, the ancient bulwark of the Illyrian provinces. The plains of the Lower Hungary were covered with the Avar horse, and a fleet of large boats was built in the Hercynian wood, to descend the Danube, and to transport into the Save the materials of a bridge. But as the strong garrison of Singidunum, which commanded the conflux of the two rivers, might have stopped their passage and baffled his designs, he dispelled their apprehensions by a solemn oath, that his views were not hostile to the empire. He swore by his sword, the symbol of the god of war, that he did not, as the enemy of Rome, construct a bridge upon the Save. "If I violate my oath," pursued the intrepid Baian, "may I myself, and the last of my nation, perish by the sword! may the heavens and fire, the deity of the heavens, fall upon our heads! may the forests and mountains bury us in their ruins! and the Save returning, against the laws of nature, to his source, overwhelm us in his angry waters!" After this barbarous imprecation, he calmly inquired, what oath was most sacred and venerable among the Christians, what guilt of perjury it was most dangerous to incur. The bishop of Singidunum presented the gospel, which the chagan received with devout reverence. "I swear," said he, "by the God who has spoken in this holy book, that I have neither falsehood on my tongue, nor treachery in my heart." As soon as he rose from his knees, he accelerated the labour of

* Theophylact, l. vi. c. 6. l. vii. c. 15. The Greek historian confesses the truth and justice of his reproach.

† Menander (in Excerpt. Legat. p. 120-132. 174. 175.) describes the perjury of Baian and the surrender of Sirmium. We have lost his account of the siege, which is commended by Theophylact, l. l. c. 5. To Menander's account add the following.

HISTORY OF THE DECLINE AND FALL

the bridge, and dispatched an envoy to proclaim what he no longer wished to conceal. "Inform the emperor," said the perfidious Baian, "that Sirmium is invested on every side: Advise his prudence to withdraw the citizens and their effects, and to resign a city which it is now impossible to relieve or defend." Without the hope of relief, the defence of Sirmium was prolonged above three years: the walls were still untouched; but famine was inclosed within the walls, till a merciful capitulation allowed the escape of the naked and hungry inhabitants. Singidunum, at the distance of fifty miles, experienced a more cruel fate: the buildings were razed, and the vanquished people was condemned to servitude and exile. Yet the ruins of Sirmium are no longer visible; the advantageous situation of Singidunum soon attracted a new colony of Sclavonians, and the conflux of the Save and Danube is still guarded by the fortifications of Belgrade, or the *White City*, so often and so obstinately disputed by the Christian and Turkish arms*. From Belgrade to the walls of Constantinople a line may be measured of six hundred miles: that line was marked with flames and with blood; the horses of the Avars were alternately bathed in the Euxine and the Adriatic; and the Roman pontiff, alarmed by the approach of a more savage enemy†, was reduced to cherish the Lombards as the protectors of Italy. The despair of a captive, whom his country refused to ransom, disclosed to the Avars the invention and practice of military engines‡, but in the first attempts, they were rudely framed and awkwardly managed; and the resistance of Diocletianopolis and Beræa, of Philippopolis and Adrianople, soon exhausted the skill and patience of the besiegers. The warfare of Baian was that of a Tartar, yet his mind was susceptible of a humane and generous sentiment; he spared

* See d'Anville, in the *Memoires de l'Acad. des Inscriptions*, tom. xxviii. p. 412—443. The Sclavonic name of *Belgrade* is mentioned in the xth century by Constantine Porphyrogenitus; the Latin appellation of *Alba Græci* is used by the Franks in the beginning of the ixth (p. 414.)

† Baron. *Annal. Eccles.* A. D. 600, No. 1. Paul Warnefrid (l. iv. c. 38.) relates their irruption into Friuli, and (c. 39.) the captivity of his ancestors, about A. D. 682. The Sclavi traversed the Adriatic cum multitudine navium, and made a descent in the territory of Sipontum (c. 39.)

‡ Even the helepolis, or moveable turret. Theophylact, l. ii. 16, 17.

Anachialus, whose salutary letters had restored the health of the best beloved of his wives; and the Romans confess, that their starving army was fed and dismissed by the liberality of a foe. His empire extended over Hungary, Poland, and Prussia, from the mouth of the Danube to that of the Oder^{*}; and his new subjects were divided and transplanted by the jealous policy of the conqueror†. The eastern regions of Germany, which had been left vacant by the emigration of the Vandals, were replenished with Sclavonian colonists; the same tribes are discovered in the neighbourhood of the Adriatic and of the Baltic, and with the name of *Baian* himself, the Illyrian cities of Neyss and Lissa are again found in the heart of Silesia. In the disposition both of his troops and provinces, the chagan exposed the vassals, whose lives he disregarded‡ to the first assault; and the swords of the enemy were blunted before they encountered the native valour of the Avars.

The Persian alliance restored the troops of the East to the defence of Europe; and Maurice, who had supported ten years the insolence of the chagan, declared his resolution to march in person against the Barbarians. In the space of two centuries, none of the successors of Theodosius had appeared in the field, their lives were supinely spent in the palace of Constantinople; and the Greeks could no longer understand, that the name of *emperor*, in its primitive sense, denoted the chief of the armies of the republic. The martial ardour of Maurice was opposed by the grave flattery of the senate, the timid superstition of the patriarch, and the tears of the empress Constantina; and they all con-

* The arms and alliances of the chagan reached to the neighbourhood of a western sea, fifteen months' journey from Constantinople. The emperor Maurice conversed with some itinerant harpers from that remote country, and only seems to have mistaken a trade for a nation. Theophylact, l. vi. c. 2.

† This is one of the most probable and luminous conjectures of the learned count de Buat (*Hist. des Peuples Barbares*, tom. xi. p. 546—568.). The Tzechi and Serbi are found together near mount Caucasus, in Illyricum, and on the Lower Elbe. Even the wildest traditions of the Bohemians, &c. afford some colour to his hypothesis.

‡ See Fredegarus, in the *Historians of France*, tom. ii. p. 452. Baian did not conceal his proud insensibility. Οὐ γὰρ, (not reverent, according to a foolish emendation) ἐκείνου τοῦ βασιλέως, οὐκ ἔστι καὶ συγγένεια γὰρ ἐκείνῳ βασιλεὺς ἀλλ' αὐτοῦ γὰρ καὶ γένος ἐστὶν ἀντιπρόσωπος.

jured him to devolve on some treacher general the fatigues and perils of a Scythian campaign. Deaf to their advice and entreaty, the emperor boldly advanced * seven miles from the capital; the sacred ensign of the cross was displayed in the front, and Maurice reviewed, with conscious pride, the arms and numbers of the veterans who had fought and conquered beyond the Tigris. Anchialus was the last term of his progress by sea and land; he solicited without success, a miraculous answer to his nocturnal prayers; his mind was confounded by the death of a favourite horse, the encounter of a wild boar, a storm of wind and rain, and the birth of a monstrous child; and he forgot that the best of counsels is to unsheath our sword in the defence of our country †. Under the pretence of receiving the ambassadors of Persia, the emperor returned to Constantinople, exchanged the thoughts of war for those of devotion, and disappointed the public hope, by his absence and the choice of his lieutenants. The blind partiality of fraternal love might excuse the promotion of his brother Peter, who fled with equal disgrace from the Barbarians, from his own soldiers, and from the inhabitants of a Roman city. That city, if we may credit the resemblance of name and character, was the famous Azimuntium ‡, which had alone repelled the tempest of Attila. The example of her warlike youth was propagated to succeeding generations; and they obtained, from the first or the second Justin, an honourable privilege, that their valour should be always reserved for the defence of their native country. The brother of Maurice attempted to violate this privilege, and to mingle a patriot band with the mercenaries of his camp; they retired to the church, he was not awed by the sanctity of the place; the people rose

* See the march and return of Maurice, in Theophylact, l. v. c. 16. l. vi. c. 1, 2, 3. If he were a writer of taste or genius, we might suspect him of an elegant irony: but Theophylact is surely harmless.

† *Εἰς αὐτὸν ἀγὼν ἀπὸ τοῦ πρὸς τὰς ἐλπίδων.* Ibid. xii. 245. This noble verse, which unites the spirit of an hero with the reason of a sage, may prove that Homer was in every light superior to his age and country.

‡ Theophylact, l. vii. c. 3. On the evidence of this fact, which had not occurred to my memory, the candid reader will correct and excuse a note in the sixth volume of this history, p. 536. which hastens the story of Asimus, or Azimuntium, another century of patriotism and valour, cheaply purchased by such a confession.

in their cause, the gates were shut, the ramparts were manned; and the cowardice of Peter was found equal to his arrogance and injustice. The military fame of *Commentiolus* * is the object of satire or comedy rather than of serious history, since he was even deficient in the vile and vulgar qualification of personal courage. His solemn councils, strange evolutions, and secret orders, always supplied an apology for flight or delay. If he marched against the enemy, the pleasant vallies of mount *Hæmus* opposed an insuperable barrier; but in his retreat, he explored, with fearless curiosity, the most difficult and obsolete paths, which had almost escaped the memory of the oldest native. The only blood which he lost was drawn, in a real or affected malady, by the lancet of a surgeon; and his health, which felt with exquisite sensibility the approach of the Barbarians, was uniformly restored by the repose and safety of the winter season. A prince who could promote and support this unworthy favourite must derive no glory from the accidental merit of his colleague *Priscus* †. In five successive battles, which seem to have been conducted with skill and resolution, seventeen thousand two hundred Barbarians were made prisoners: near sixty thousand, with four sons of the chagan, were slain: the Roman general surprised a peaceful district of the *Gepidæ*, who slept under the protection of the *Avars*; and his last trophies were erected on the banks of the *Danube* and the *Teyss*. Since the death of *Trajan*, the arms of the empire had not penetrated so deeply into the old *Dacia*: yet the success of *Priscus* was transient and barren; and he was soon recalled, by the apprehension, that *Baian*, with dauntless spirit and recruited forces, was preparing to avenge his defeat under the walls of *Constantinople* ‡.

The theory of war was not more familiar to the camps of *Cæsar* and *Trajan*, than to those of *Justinian* and *Maurice* §.

* See the shameful conduct of *Commentiolus*, in *Theophylact*, l. ii. c. 10—15. l. vii. c. 13, 14. l. viii. c. 2, 4.

† See the exploits of *Priscus*, l. viii. c. 2, 3.

‡ The general detail of the war against the *Avars*, may be traced in the first, second, sixth, seventh, and eighth books of the History of the emperor *Maurice*, by *Theophylact Simocatta*. As he wrote in the reign of *Heraclius*, he had no temptation to flatter; but his want of judgment renders him diffuse in trifles and concise in the most interesting facts.

§ *Maurice* himself composed xii books on the military art, which are

HISTORY OF THE DECLINE AND FALL

The iron of Tuscany or Pontus still received the keenest temper from the skill of the Byzantine workmen. The magazines were plentifully stored with every species of offensive and defensive arms. In the construction and use of ships, engines, and fortifications, the Barbarians admired the superior ingenuity of a people whom they so often vanquished in the field. The science of tactics, the order, evolutions, and stratagems of antiquity, was transcribed and studied in the books of the Greeks and Romans. But the solitude or degeneracy of the provinces could no longer supply a race of men to handle those weapons, to guard those walls, to navigate those ships, and to reduce the theory of war into bold and successful practice. The genius of Belisarius and Narses had been formed without a master, and expired without a disciple. Neither honour, nor patriotism, nor generous superstition, could animate the lifeless bodies of slaves and strangers, who had succeeded to the honours of the legions: it was in the camp alone that the emperor should have exercised a despotic command; it was only in the camps that his authority was disobeyed and insulted: he appeased and inflamed with gold the licentiousness of the troops; but their vices were inherent, their victories were accidental, and their costly maintenance exhausted the substance of a state which they were unable to defend. After a long and pernicious indulgence, the cure of this inveterate evil was undertaken by Maurice; but the rash attempt, which drew destruction on his own head, tended only to aggravate the disease. A reformer should be exempt from the suspicion of interest, and he must possess the confidence and esteem of those whom he proposes to reclaim. The troops of Maurice might listen to the voice of a victorious leader; they disdained the admonitions of statesmen and sophists, and when they received an edict which deducted from their pay the price of their arms and clothing, they execrated the avarice of a prince insensible of the dangers and fatigues from which he had escaped.

still extant, and have been published (Upsal, 1664) by John Scheffer at the end of the *Tactics of Arrian* (Fabricius, *Bibhot. Græca*, l. iv. c. 8. tom. iii. p. 278.), who promises to speak more fully of his work in its proper place.

The camps both of Asia and Europe were agitated with frequent and furious seditions *; the enraged soldiers of Edessa pursued, with reproaches, with threats, with wounds, their trembling generals: they overturned the statues of the emperor, cast stones against the miraculous image of Christ, and either rejected the yoke of all civil and military laws, or instituted a dangerous model of voluntary subordination. The monarch, always distant and often deceived, was incapable of yielding or persisting according to the exigence of the moment. But the fear of a general revolt induced him too readily to accept any act of valour, or any expression of loyalty, as an atonement for the popular offence; the new reform was abolished as hastily as it had been announced, and the troops, instead of punishment and restraint, were agreeably surprised by a gracious proclamation of immunities and rewards. But the soldiers accepted without gratitude the tardy and reluctant gifts of the emperor; their insolence was elated by the discovery of his weakness and their own strength; and their mutual hatred was inflamed beyond the desire of forgiveness or the hope of reconciliation. The historians of the times adopt the vulgar suspicion, that Maurice conspired to destroy the troops whom he had laboured to reform; the misconduct and favour of Commentiolus are imputed to this malevolent design; and every age must condemn the inhumanity or avarice† of a prince, who, by the trifling ransom of six thousand pieces of gold, might have prevented the massacre of twelve thousand prisoners in the hands of the chagan. In the just fervour of indignation, an order was signified to the army of the Danube, that they should spare the magazines of the province, and establish their winter-quarters in the hostile country of the Avars. The measure of their grievances was full: they pronounced Maurice unworthy to reign,

* See the mutinies under the reign of Maurice, in Theophylact, l. iii. c. 1—4. l. vi. c. 7, 8. 10. l. vii. c. 1. l. viii. c. 6, &c.

† Theophylact and Theophanes seem ignorant of the conspiracy and avarice of Maurice. These charges, so unfavourable to the memory of that emperor, are first mentioned by the author of the Paschal Chronicle (p. 379, 380.); from whence Zonaras (tom. ii. l. xiv. p. 77, 78.) has transcribed them. Cedrenus (p. 399.) has followed another computation of the ransom.

expelled or slaughtered his faithful adherents, and, under the command of Phocas, a simple centurion, returned by hasty marches to the neighbourhood of Constantinople. After a long series of legal succession, the military disorders of the third century were again revived; yet such was the novelty of the enterprise, that the insurgents were awed by their own rashness. They hesitated to invest their favourite with the vacant purple, and while they rejected all treaty with Maurice himself, they held a friendly correspondence with his son Theodosius, and with Germanus the father-in-law of the royal youth. So obscure had been the former condition of Phocas, that the emperor was ignorant of the name and character of his rival: but as soon as he learned, that the centurion, though bold in sedition, was timid in the face of danger, "Alas!" cried the desponding prince, "if he is a coward, he will surely be a murderer."

Yet if Constantinople had been firm and faithful, the murderer might have spent his fury against the walls; and the rebel army would have been gradually consumed or reconciled by the prudence of the emperor. In the games of the circus, which he repeated with unusual pomp, Maurice disguised, with the smiles of confidence, the anxiety of his heart, condescended to solicit the applause of the *factions*, and flattered their pride by accepting from their respective tribunes a list of nine hundred *blues* and fifteen hundred *greens*, whom he affected to esteem as the solid pillars of his throne. Their treacherous or languid support betrayed his weakness and hastened his fall; the green faction were the secret accomplices of the rebels, and the blues recommended lenity and moderation in a contest with their Roman brethren. The rigid and parsimonious virtue of Maurice had long since alienated the hearts of his subjects: as he walked barefoot in a religious procession, he was rudely assaulted with stones, and his guards were compelled to present their iron maces in the defence of his person. A fanatic monk ran through the streets with a drawn sword, denouncing against him the wrath and the sentence of God, and a vile plebeian, who represented his countenance and apparel, was seated on an ass, and pursued by the imprecations of

the multitude*. The emperor suspected the popularity of Germanus with the soldiers and citizens; he feared, he threatened, but he delayed to strike; the patrician fled to the sanctuary of the church; the people rose in his defence, the walls were deserted by the guards, and the lawless city was abandoned to the flames and rapine of a nocturnal tumult. In a small bark, the unfortunate Maurice, with his wife and nine children, escaped to the Asiatic shore, but the violence of the wind compelled him to land at the church of St. Autonomus† near Chalcedon, from whence he dispatched Theodosius, his eldest son, to implore the gratitude and friendship of the Persian monarch. For himself, he refused to fly: his body was tortured with sciatic pains‡, his mind was enfeebled by superstition; he patiently awaited the event of the revolution, and addressed a fervent and public prayer to the Almighty, that the punishment of his sins might be inflicted in this world rather than in a future life. After the abdication of Maurice, the two factions disputed the choice of an emperor; but the favourite of the blues was rejected by the jealousy of their antagonists, and Germanus himself was hurried along by the crowds, who rushed to the palace of Hebdomon, seven miles from the city, to adore the majesty of Phocas the centurion. A modest wish of resigning the purple to the rank and merit of Germanus was opposed by his resolution, more obstinate and equally sincere: the senate and clergy obeyed his summons, and as soon as the patriarch was assured of his orthodox belief, he consecrated the successful usurper in the

* In their clamours against Maurice, the people of Constantinople branded him with the name of Marcionite or Marcionist: a heresy (says Theophylact, l. viii. c. 9.) *μετα τινος μαρκας ευλαβειας, ευλης τε και καταγελας*Ⓢ. Did they only cast out a vague reproach—or had the emperor really listened to some obscure teacher of those ancient Gnostics?

† The church of St. Autonomus (whom I have not the honour to know) was 150 stadia from Constantinople (Theophylact, l. viii. c. 9.). The port of Eutropius, where Maurice and his children were murdered, is described by Gyllius (de Bosphoro Thracio, l. iii. c. xi.) as one of the two harbours of Chalcedon.

‡ The inhabitants of Constantinople were generally subject to the *νοσος αρθριτιδης*; and Theophylact insinuates (l. viii. c. 9.), that if it were consistent with the rules of history, he could assign the medical cause. Yet such a digression would not have been more impertinent than his inquiry (l. vii. c. 16, 17.) into the annual inundations of the Nile, and all the opinions of the Greek philosophers on that subject.

church of St. John the Baptist. On the third day, amidst the acclamations of a thoughtless people, Phocas made his public entry in a chariot drawn by four white horses: the revolt of the troops was rewarded by a lavish donative, and the new sovereign, after visiting the palace, beheld from his throne the games of the hippodrome. In a dispute of precedence between the two factions, his partial judgment inclined in favour of the greens. "Remember that Maurice is still alive," resounded from the opposite side; and the indiscreet clamour of the blues admonished and stimulated the cruelty of the tyrant. The ministers of death were dispatched to Chalcedon: they dragged the emperor from his sanctuary, and the five sons of Maurice were successively murdered before the eyes of their agonizing parent. At each stroke which he felt in his heart, he found strength to rehearse a pious ejaculation: "Thou art just, O Lord! and thy judgments are righteous." And such, in the last moments, was his rigid attachment to truth and justice, that he revealed to the soldiers the pious falsehood of a nurse who presented her own child in the place of a royal infant*. The tragic scene was finally closed by the execution of the emperor himself, in the twentieth year of his reign, and the sixty third of his age. The bodies of the father and his five sons were cast into the sea, their heads were exposed at Constantinople to the insults or pity of the multitude, and it was not till some signs of putrefaction had appeared, that Phocas connived at the private burial of these venerable remains. In that grave, the faults and errors of Maurice were kindly interred. His fate alone was remembered; and at the end of twenty years, in the recital of the history of Theophylact, the mournful tale was interpreted by the tears of the audience†.

Such tears must have flowed in secret, and such compassion would have been criminal, under the reign of Phocas,

* From this generous attempt, Corneille has deduced the intricate web of his tragedy of *Heracles*, which requires more than one representation to be clearly understood (Corneille de Voltaire, tom. v. p. 300.); and which, after an interval of some years, is said to have puzzled the author himself (*Anecdotes Dramatiques*, tom. i. p. 422.).

† The revolt of Phocas and death of Maurice are told by Theophylact Simocatta (l. viii. c. 7—12.), the Paschal Chronicle (p. 379, 380.), Theophanes (*Chronograph.* p. 238—244.), Zonaras (tom. ii. l. xiv. p. 77—80.), and Cedrenus (p. 399—404.).

who was peaceably acknowledged in the provinces of the East and West. The images of the emperor and his wife Leontia were exposed in the Lateran to the veneration of the clergy and senate of Rome, and afterwards deposited in the palace of the Cæsars, between those of Constantine and Theodosius. As a subject and a Christian, it was the duty of Gregory to acquiesce in the established government, but the joyful applause with which he salutes the fortune of the assassin, has sullied with ~~indelible~~ disgrace the character of the saint. The successor of the apostles might have inculcated with decent firmness the guilt of blood, and the necessity of repentance: he is content to celebrate the deliverance of the people and the fall of the oppressor; to rejoice that the piety and benignity of Phocas have been raised by Providence to the Imperial throne; to pray that his hands may be strengthened against all his enemies; and to express a wish, perhaps a prophecy, that, after a long and triumphant reign, he may be transferred from a temporal to an everlasting kingdom *. I have already traced the steps of a revolution so pleasing, in Gregory's opinion, both to heaven and earth; and Phocas does not appear less hateful in the exercise than in the acquisition of power. The pencil of an impartial historian has delineated the portrait of a monster †; his diminutive and deformed person, the closeness of his shaggy eye-brows, his red hair, his beardless chin, and his cheek disfigured and discoloured by a formidable scar. Ignorant of letters, of laws, and even of ~~arms~~, he indulged in the supreme rank a more ample privilege of lust and drunkenness, and his brutal pleasures ~~were~~ either injurious to his subjects or disgraceful to himself. Without assuming the office of a prince, he renounced the profession of a soldier; and the reign of Phocas afflicted

* Gregor. l. xi. epist. 38. *indict. vi. Benignitatem vestræ pietatis ad Imperiale fastigium pervenisse gaudemus. Lætentur cœli et exaltet terra, et de vestris benignis actibus universæ reipublicæ populus nunc usque vehementer afflictus hilarescat, &c.* This base flattery, the topic of the testant invective, is justly censured by the philosopher Bayle (*Dictionaire Critique*, Gregoire l. Not. H. tom. ii. p. 597, 598.). Cardinal Baronius justifies the pope at the expence of the fallen emperor.

† The images of Phocas were destroyed; but even the malice of his enemies would suffer one copy of such a portrait or caricature (Cedrenus, p. 404.) to escape the flames.

Europe with ignominious peace, and Asia with desolating war. His savage temper was inflamed by passion, hardened by fear, exasperated by resistance or reproach. The flight of Theodosius to the Persian court had been intercepted by a rapid pursuit, or a deceitful message: he was beheaded at Nice, and the last hours of the young prince were soothed by the comforts of religion and the consciousness of innocence. Yet his phantom disturbed the repose of the usurper: a whisper was circulated through the East, that the son of Maurice was still alive: the people expected their avenger, and the widow and daughters of the late emperor would have adopted as their son and brother the vilest of mankind. In the massacre of the Imperial family*, the mercy, or rather the discretion, of Phocas had spared these unhappy females, and they were decently confined to a private house. But the spirit of the empress Constantina, still mindful of her father, her husband, and her sons, aspired to freedom and revenge. At the dead of night, she escaped to the sanctuary of St. Sophia; but her tears, and the gold of her associate Germanus, were insufficient to provoke an insurrection. Her life was forfeited to revenge, and even to justice: but the patriarch obtained and pledged an oath for her safety; a monastery was allotted for her prison, and the widow of Maurice accepted and abused the lenity of his assassin. The discovery or the suspicion of a second conspiracy, dissolved the engagements and rekindled the fury of Phocas. A matron, who commanded the respect and pity of mankind, the daughter, wife, and mother of emperors, was tortured like the vilest malefactor, to force a confession of her designs and associates; and the empress Constantina, with her three innocent daughters, was beheaded at Chalcedon, on the same ground which had been stained with the blood of her husband and five sons. After such an example, it would be superfluous to enumerate the names and sufferings of meaner victims. Their condemna-

* The family of Maurice is represented by Ducange (*Familie Byzantinæ*, p. 106, 107, 108.): his eldest son Theodosius had been crowned emperor when he was no more than four years and a half old, and he is always joined with his father in the salutations of Gregory. With the Christian daughters, Anastasia and Theocteste, I am surprised to find the Pagan name of Cleopatra.

tion was seldom preceded by the forms of trial, and their punishment was embittered by the refinements of cruelty: their eyes were pierced, their tongues were torn from the root, the hands and feet were amputated; some expired under the lash, others in the flames, others again were transfixed with arrows; and a simple speedy death was mercy which they could rarely obtain. The hippodrome, the sacred asylum of the pleasures and the liberty of the Romans, was polluted with heads and limbs, and mangled bodies; and the companions of Phocas were the most sensible, that neither his favour, nor their services, could protect them from a tyrant, the worthy rival of the Caligulas and Domitians of the first age of the empire *.

A daughter of Phocas, his only child, was given in marriage to the patrician Crispus †, and the *royal* images of the bride and bridegroom were indiscreetly placed in the circus, by the side of the emperor. The father must desire that his posterity should inherit the fruit of his crimes, but the monarch was offended by this premature and popular association: the tribunes of the green faction, who accused the officious error of their sculptors, were condemned to instant death: their lives were granted to the prayers of the people; but Crispus might reasonably doubt whether a jealous usurper could forget and pardon his involuntary competition. The green faction was alienated by the ingratitude of Phocas and the loss of their privileges; every province of the empire was ripe for rebellion; and Heraclius, exarch of Africa, persisted above two years in refusing all tribute and obedience to the centurion who disgraced the throne of Constantinople. By the secret emissaries of Crispus and the senate, the independent exarch was solicited to save and to govern his country: but his ambition was chilled by age, and he resigned the dangerous enterprise to his son

* Some of the cruelties of Phocas are marked by Theophylact, l. viii. c. 13, 14, 15. George of Pisidia, the poet of Heraclius, styles him (Bell. Avaricum, p. 46. Rome, 1777) τῆς τυραννίδος ὁ δυνάστητος καὶ βιοφθορὸς δράκων. The latter epithet is just—but the corrupter of life was easily vanquished.

† In the writers, and in the copies of those writers, there is such hesitation between the names of *Priscus* and *Crispus* (Ducange, Fam. Byzant. p. 111.), that I have been tempted to identify the son-in-law of Phocas with the hero five times victorious over the Avars.

Heraclius, and to Nicetas, the son of Gregory his friend and lieutenant. The powers of Africa were armed by the two adventurous youths; they agreed that the one should navigate the fleet from Carthage to Constantinople, that the other should lead an army through Egypt and Asia, and that the Imperial purple should be the reward of diligence and success. A faint rumour of their undertaking was conveyed to the ears of Phocas, and the wife and mother of the younger Heraclius were secured as the hostages of his faith: but the treacherous art of Crispus extenuated the distant peril, the means of defence were neglected or delayed, and the tyrant supinely slept till the African navy cast anchor in the Hellespont. Their standard was joined at Abidus by the fugitives and exiles who thirsted for revenge; the ships of Heraclius, whose lofty masts were adorned with the holy symbols of religion*, steered their triumphant course through the Propontis; and Phocas beheld from the windows of the palace, his approaching and inevitable fate. The green faction was tempted, by gifts and promises, to oppose a feeble and fruitless resistance to the landing of the Africans; but the people, and even the guards, were determined by the well-timed defection of Crispus; and the tyrant was seized by a private enemy, who boldly invaded the solitude of the palace. Stripped of the diadem and purple, clothed in a vile habit, and loaded with chains, he was transported in a small boat to the Imperial galley of Heraclius, who reproached him with the crimes of his abominable reign. "Wilt thou govern better?" were the last words of the despair of Phocas. After suffering each variety of insult and torture, his head was severed from his body, the mangled trunk was cast into the flames, and the same treatment was inflicted on the statues of the vain usurper, and the seditious banner of the green faction. The voice of the clergy, the senate, and the people, invited Heraclius to ascend the throne which he had purified from guilt and ignominy; after some graceful hesitation,

* According to Theophanes, *μισθία*, and *σικον-θρονητερος*. Codrenus adds an *αχειροτονητον σικον τη κυβητι*, which Heraclius bore as a banner in the first Persian expedition. See George Pisid. *Acroas* l. 140. The manufacture seems to have flourished; but Poggini, the Roman editor (p. 26), is at a loss to determine whether this picture was an original or a copy.

he yielded to their entreaties. His coronation was accompanied by that of his wife Eudoxia; and their posterity, till the fourth generation, continued to reign over the empire of the East. The voyage of Heraclius had been easy and prosperous, the tedious march of Nicetas was not accomplished before the decision of the contest: but he submitted without a murmur to the fortune of his friend, and his laudable intentions were rewarded with an equestrian statue, and a daughter of the emperor. It was more difficult to trust the fidelity of Crispus, whose recent services were recompensed by the command of the Cappadocian army. His arrogance soon provoked, and seemed to excuse, the ingratitude of his new sovereign. In the presence of the senate, the son-in-law of Phocas was condemned to embrace the monastic life; and the sentence was justified by the weighty observation of Heraclius, that the man who had betrayed his father, could never be faithful to his friend*.

Even after his death the republic was afflicted by the crimes of Phocas, which armed with a pious cause the most formidable of her enemies. According to the friendly and equal forms of the Byzantine and Persian courts, he announced his exaltation to the throne; and his ambassador Lilius, who had presented him with the heads of Maurice and his sons, was the best qualified to describe the circumstances of the tragic scene†. However it might be varnished by fiction or sophistry, Chosroes turned with horror from the assassin, imprisoned the pretended envoy, disclaimed the usurper, and declared himself the avenger of his father and benefactor. The sentiments of grief and resentment which humanity would feel, and honour would dictate, promoted, on this occasion, the interest of the Persian king; and his interest was powerfully magnified by the national and religious prejudices of the Magi and satraps.

* See the tyranny of Phocas and the elevation of Heraclius, in Chron. Paschal. p. 380—383. Theophanes, p. 242—250. Nicephorus, p. 3—7. Cedrenus, p. 404—407. Zonaras, tom. ii. l. xiv. p. 80—82.

† Theophylact, l. viii. c. 15. The life of Maurice was composed about the year 678 (l. viii. c. 13.) by Theophylact Simocatta, ex-præfect, a native of Egypt. Photius, who gives an ample extract of the work (cod. lxx. p. 81—100.), gently reproves the affectation and allegory of the style. His preface is a dialogue between Philosophy and History; they seat themselves under a plane-tree, and the latter touches her lyre.

In a strain of artful adulation, which assumed the language of freedom, they presumed to censure the excess of his gratitude and friendship for the Greeks; a nation with whom it was dangerous to conclude either peace or alliance; whose superstition was devoid of truth and justice, and who must be incapable of any virtue, since they could perpetrate the most atrocious of crimes, the impious murder of their sovereign *. For the crime of an ambitious centurion, the nation which he oppressed was chastised with the calamities of war; and the same calamities, at the end of twenty years, were retaliated and redoubled on the heads of the Persians†. The general who had restored Chosroes to the throne still commanded in the East; and the name of Narses was the formidable sound with which the Assyrian mothers were accustomed to terrify their infants. It is not improbable, that a native subject of Persia should encourage his master and his friend to deliver and possess the provinces of Asia. It is still more probable, that Chosroes should animate his troops by the assurance that the sword which they dreaded the most would remain in its scabbard, or be drawn in their favour. The hero could not depend on the faith of a tyrant; and the tyrant was conscious how little he deserved the obedience of an hero: Narses was removed from his military command; he reared an independent standard at Hierapolis in Syria: he was betrayed by fallacious promises, and burnt alive in the market-place of Constantinople. Deprived of the only chief whom they could fear or esteem, the bands which he had led to victory were twice broken by the cavalry, trampled by the elephants, and pierced by the arrows of the Barbarians; and a great number of the captives were beheaded on the field of battle by the sentence of

* *Christianis nec pactum esse, nec fidem nec fœdus . . . quod si ulla illis fides fuisset, regem suum non occidissent.* Eutych. *Annales*, tom. ii. p. 211. vers. Pocock.

† We must now, for some ages, take our leave of contemporary historians, and descend, if it be a descent, from the affectation of rhetoric to the rude simplicity of chronicles and abridgments. Those of Theophanes (*Chronograph.* p. 244—279.) and Nicephorus (p. 3—16.) supply a regular, but imperfect, series of the Persian war; and for any additional facts I quote my special authorities. Theophanes, a courtier who became a monk, was born A.D. 748; Nicephorus, patriarch of Constantinople, who died A.D. 829, was somewhat younger: they both suffered in the cause of images. Hankius *de Scriptoribus Byzantinis*, p. 200—246.

the victor, who might justly condemn these seditious mercenaries as the authors or accomplices of the death of Maurice. Under the reign of Phocas, the fortifications of Merdin, Dara, Amida, and Edessa, were successively besieged, reduced, and destroyed, by the Persian monarch; he passed the Euphrates, occupied the Syrian cities, Hierapolis, Chalchis, and Berrhæa or Aleppo, and soon encompassed the walls of Antioch with his irresistible arms. The rapid tide of success discloses the decay of the empire, the incapacity of Phocas, and the disaffection of his subjects; and Chosroes provided a decent apology for their submission or revolt, by an impostor who attended his camp, as the son of Maurice* and the lawful heir of the monarchy.

The first intelligence from the East which Heraclius received†, was that of the loss of Antioch; but the aged metropolis, so often overturned by earthquakes and pillaged by the enemy, could supply but a small and languid stream of treasure and blood. The Persians were equally successful and more fortunate in the sack of Cæsarea, the capital of Cappadocia; and as they advanced beyond the ramparts of the frontier, the boundary of ancient war, they found a less obstinate resistance and a more plentiful harvest. The pleasant vale of Damascus has been adorned in every age with a royal city: her obscure felicity has hitherto escaped the historian of the Roman empire: but Chosroes reposed his troops in the paradise of Damascus before he ascended the hills of Libanus, or invaded the cities of the Phœnician coast. The conquest of Jerusalem‡, which had been medi-

* The Persian historians have been themselves deceived; but Theophanes (p. 244.) accuses Chosroes of the fraud and falsehood; and Eutychius believes (Annal. tom. ii. p. 211.) that the son of Maurice, who was saved from the assassins, lived and died a monk on mount Sinai.

† Eutychius dates all the losses of the empire under the reign of Phocas, an error which saves the honour of Heraclius, whom he brings not from Carthage, but Salonica, with a fleet laden with vegetables for the relief of Constantinople (Annal. tom. ii. p. 225, 224.). The other Christians of the East, Barhebræus (apud Asseman, Bibliothec. Oriental. tom. iii. p. 412, 413.), Elmacin (Hist. Saracen. p. 13—16.), Abulpharagius (Dy-nast. p. 98, 99.) are more sincere and accurate. The years of the Persian war are disposed in the chronology of Pagi.

‡ On the conquest of Jerusalem, an event so interesting to the church, see the Annals of Eutychius (tom. ii. p. 212—213.) and the lamentations of the monk Antiochus (apud Baronium, Annal. Eccles. A.D. 614, No. 16—26.), whose one hundred and twenty-nine homilies are still extant, if what no one reads may be said to be extant.

tated by Nushirvan, was atchieved by the zeal and avarice of his grandson; the ruin of the proudest monument of Christianity was vehemently urged by the intolerant spirit of the Magi; and he could enlist, for this holy warfare, an army of six and twenty thousand Jews, whose furious bigotry might compensate, in some degree, for the want of valour and discipline. After the reduction of Galilee, and the region beyond the Jordan, whose resistance appears to have delayed the fate of the capital, Jerusalem itself was taken by assault. The sepulchre of Christ, and the stately churches of Helena and Constantine, were consumed, or at least damaged, by the flames; the devout offerings of three hundred years were rifled in one sacrilegious day; the patriarch Zachariah, and the *true cross*, were transported into Persia; and the massacre of ninety thousand Christians is imputed to the Jews and Arabs who swelled the disorder of the Persian march. The fugitives of Palestine were entertained at Alexandria by the charity of John the archbishop, who is distinguished among a crowd of saints by the epithet of *alms-giver**: and the revenues of the church, with a treasure of three hundred thousand pounds, were restored to the true proprietors, the poor of every country and every denomination. But Egypt itself, the only province which had been exempt, since the time of Diocletian, from foreign and domestic war, was again subdued by the successors of Cyrus. Pelusium, the key of that impervious country, was surprised by the cavalry of the Persians: they passed, with impunity, the innumerable channels of the Delta, and explored the long valley of the Nile, from the pyramids of Memphis to the confines of Æthiopia. Alexandria might have been relieved by a naval force, but the archbishop and the præfect embarked for Cyprus; and Chosroes entered the second city of the empire, which still preserved a wealthy remnant of industry and commerce. His western trophy was erected, not on the walls of Carthage†, but in the

* The life of this worthy saint is composed by Leontius, a contemporary bishop; and I find in Baronius (Annal. Eccles. A. D. 610, No. 10, &c.) and Fleury (tom. viii. p. 235—242.) sufficient extracts of this edifying work.

† The error of Baronius, and many others who have carried the arms of Chosroes to Carthage instead of Chalcedon, is founded on the near re-

neighbourhood of Tripoli: the Greek colonies of Cyrene were finally extirpated; and the conqueror, treading in the footsteps of Alexander, returned in triumph through the sands of the Lybian desert. In the first campaign, another army advanced from the Euphrates to the Thracian Bosphorus; Chalcedon surrendered after a long siege, and a Persian camp was maintained above ten years in the presence of Constantinople. The sea-coast of Pontus, the city of Ancyra, and the isle of Rhodes, are enumerated among the last conquests of the great king; and if Chosroes had possessed any maritime power, his boundless ambition would have spread slavery and desolation over the provinces of Europe.

From the long-disputed banks of the Tigris and Euphrates, the reign of the grandson of Nushirvan was suddenly extended to the Hellespont and the Nile, the ancient limits of the Persian monarchy. But the provinces, which had been fashioned by the habits of six hundred years to the virtues and vices of the Roman government, supported with reluctance the yoke of the Barbarians. The idea of a republic was kept alive by the institutions, or at least by the writings, of the Greeks and Romans, and the subjects of Heraclius had been educated to pronounce the words of liberty and law. But it has always been the pride and policy of Oriental princes, to display the titles and attributes of their omnipotence; to upbraid a nation of slaves with their true name and abject condition, and to enforce, by cruel and insolent threats, the rigour of their absolute commands. The Christians of the East were scandalized by the worship of fire, and the impious doctrine of the two principles: the Magi were not less intolerant than the bishops, and the martyrdom of some native Persians, who had deserted the religion of Zoroaster *, was conceived to be the prelude of a fierce and

semblance of the Greek words *Καλχιδον* and *Καρχιδον*, in the text of Theophanes, &c. which have been sometimes confounded by transcribers and sometimes by critics.

* The *genuine* acts of St. Anastasius are published in those of the viith general council, from whence Baronius (Annal. Eccles. A. D. 614. 626, 627.) and Butler (Lives of the Saints, vol. i. p. 242—248.) have taken their accounts. The holy martyr deserted from the Persian to the Roman army, became a monk at Jerusalem, and insulted the worship of the Magi, which was then established at Cæsarea in Palestine.

general persecution. By the oppressive laws of Justinian, the adversaries of the church were made the enemies of the state; the alliance of the Jews, Nestorians, and Jacobites, had contributed to the success of Chosroes, and his partial favour to the sectaries provoked the hatred and fears of the Catholic clergy. Conscious of their fear and hatred, the Persian conqueror governed his new subjects with an iron sceptre; and as if he suspected the stability of his dominion, he exhausted their wealth by exorbitant tributes and licentious rapine, despoiled or demolished the temples of the East, and transported to his hereditary realms the gold, the silver, the precious marbles, the arts, and the artists of the Asiatic cities.

In the obscure picture of the calamities of the empire*, it is not easy to discern the figure of Chosroes himself, to separate his actions from those of his lieutenants, or to ascertain his personal merit in the general blaze of glory and magnificence. He enjoyed with ostentation the fruits of victory, and frequently retired from the hardships of war to the luxury of the palace. But in the space of twenty-four years, he was deterred by superstition or resentment from approaching the gates of Ctesiphon: and his favourite residence of Artemita, or Dastagerd, was situate beyond the Tigris, about sixty miles to the north of the capital†. The adjacent pastures were covered with flocks and herds: the paradise or park was replenished with pheasants, peacocks, ostriches, roebucks, and wild boars, and the noble game of lions and tygers was sometimes turned loose for the bolder pleasures of the chace. Nine hundred and sixty elephants were maintained for the use or splendour of the great king: his tents and baggage were carried into the field by twelve thousand great camels and eight thousand of a smaller size‡: and the royal stables were filled with six thousand mules and

* Abulpharagius, *Dynast.* p. 99. Elmacin, *Hist. Saracen.* p. 14.

† D'Anville, *Mem. de l'Academie des Inscriptions*, tom. xxxii. p. 566—571.

‡ The difference between the two races consists in one or two humps; the dromedary has only one; the size of the proper camel is larger; the country he comes from, Turkestan or Bactriana; the dromedary is confined to Arabia and Africa. Buffon, *Hist. Naturelle*, tom. xi. p. 211, &c. Aristot. *Hist. Animal.* tom. i. l. ii. c. 1. tom. ii. p. 185.

horses, among whom the names of Shebdiz and Barid are renowned for their speed or beauty. Six thousand guards successively mounted before the palace gate; the service of the interior apartments was performed by twelve thousand slaves, and in the number of three thousand virgins, the fairest of Asia, some happy concubine might console her master for the age or the indifference of Sira. The various treasures of gold, silver, gems, silk, and aromatics, were deposited in an hundred subterraneous vaults; and the chamber *Budaxerd* denoted the accidental gift of the winds which had wafted the spoils of Heraclius into one of the Syrian harbours of his rival. The voice of flattery, and perhaps of fiction, is not ashamed to compute the thirty thousand rich hangings that adorned the walls, the forty thousand columns of silver, or more probably of marble, and plated wood, that supported the roof; and the thousand globes of gold suspended in the dome, to imitate the motions of the planets and the constellations of the zodiac*. While the Persian monarch contemplated the wonders of his art and power, he received an epistle from an obscure citizen of Mecca, inviting him to acknowledge Mahomet as the apostle of God. He rejected the invitation, and tore the epistle. "It is thus," exclaimed the Arabian prophet, "that God will tear the kingdom, and reject the supplications of Chosroes†." Placed on the verge of the two great empires of the East, Mahomet observed with secret joy the progress of their mutual destruction; and in the midst of the Persian triumphs, he ventured to foretell, that before many years should elapse, victory would again return to the banners of the Romans‡.

* Theophanes, *Chronograph.* p. 266. D'Herbelot, *Bibliothèque Orientale*, p. 997. • The Greeks describe the decay, the Persians the splendour, of Dastagerd; but the former speak from the modest witness of the eye, the latter from the vague report of the ear.

† The historians of Mahomet. Abulfeda (in *Vit. Mohammed.* p. 92, 93.), and Gagnier (*Vie de Mahomet*, tom. ii. p. 247.), date this embassy in the viiith year of the Hegira, which commences A. D. 628, May 11. Their chronology is erroneous, since Chosroes died in the month of February of the same year (Pagi, *Critica*, tom. ii. p. 779.). The count de Boulainvilliers (*Vie de Mahomed*, p. 327, 328.) places this embassy about A. D. 615, soon after the conquest of Palestine. Yet Mahomet would scarcely have ventured so soon on so bold a step.

‡ See the xxxth chapter of the Koran, intitled *the Greeks*. Our honest and learned translator Sale (p. 330, 331.) fairly states this conjecture.

At the time when this prediction is said to have been delivered, no prophecy could be more distant from its accomplishment, since the first twelve years of Heraclius announced the approaching dissolution of the empire. If the motives of Chosroes had been pure and honourable, he must have ended the quarrel with the death of Phocas, and he would have embraced, as his best ally, the fortunate African who had so generously avenged the injuries of his benefactor Maurice. The prosecution of the war revealed the true character of the Barbarian; and the suppliant embassies of Heraclius to beseech his clemency, that he would spare the innocent, accept a tribute, and give peace to the world, were rejected with contemptuous silence or insolent menace. Syria, Egypt, and the provinces of Asia, were subdued by the Persian arms, while Europe, from the confines of Istria to the long wall of Thrace, was oppressed by the Avars, unsatiated with the blood and rapine of the Italian war. They had coolly massacred their male captives in the sacred field of Pannonia; the women and children were reduced to servitude, and the noblest virgins were abandoned to the promiscuous lust of the Barbarians. The amorous matron who opened the gates of Friuli passed a short night in the arms of her royal lover. The next evening, Romilda was condemned to the embraces of twelve Avars, and the third day the Lombard princess was impaled in the sight of the camp, while the chagan observed with a cruel smile, that such a husband was the fit recompence of her lewdness and perfidy*. By these implacable enemies, Heraclius, on either side, was insulted and besieged: and the Roman empire was reduced to the walls of Constantinople, with the remnant of Greece, Italy, and Africa, and some maritime cities, from Tyre to Trebizond, of the Asiatic coast. After the loss of Egypt, the capital was afflicted by famine and pestilence; and the emperor, incapable of resistance, and hopeless of relief, had resolved to transfer his person and government to the more

guess, wager, of Mahomet; but Boulainvilliers (p. 329—344.), with wicked intentions, labours to establish this evident prophecy of a future event, which must, in his opinion, embarrass the Christian polemics.

* Paul Warnefrid, de Gestis Langobardorum, l. iv. c. 38. 42. Muratori, Annali d'Italia, tom. v. p. 305, &c.

secure residence of Carthage. His ships were already laden with the treasures of the palace, but his flight was arrested by the patriarch, who armed the powers of religion in the defence of his country, led Heraclius to the altar of St. Sophia, and extorted a solemn oath, that he would live and die with the people whom God had entrusted to his care. The chagan was encamped in the plains of Thrace, but he dissembled his perfidious designs, and solicited an interview with the emperor near the town of Heraclea. Their reconciliation was celebrated with equestrian games, the senate and people in their gayest apparel resorted to the festival of peace, and the Avars beheld, with envy and desire, the spectacle of Roman luxury. On a sudden, the hippodrome was encompassed by the Scythian cavalry, who had pressed their secret and nocturnal march: the tremendous sound of the chagan's whip gave the signal of the assault; and Heraclius, wrapping his diadem round his arm, was saved, with extreme hazard, by the fleetness of his horse. So rapid was the pursuit, that the Avars almost entered the golden gate of Constantinople with the flying crowds*: but the plunder of the suburbs rewarded their treason, and they transported beyond the Danube, two hundred and seventy thousand captives. On the shore of Chalcedon, the emperor held a safer conference with a more honourable foe, who, before Heraclius descended from his galley, saluted with reverence and pity the majesty of the purple. The friendly offer of Sain, the Persian general, to conduct an embassy to the presence of the great king, was accepted with the warmest gratitude, and the prayer for pardon and peace was humbly presented by the prætorian præfect, the præfect of the city, and one of the first ecclesiastics of the patriarchal church†. But the lieutenant of Chosroes had fatally mistaken the intentions of his master. "It was not an embassy," said the tyrant of Asia, "it was the person of Heraclius, bound in chains, that he should have brought

* The Paschal Chronicle, which sometimes introduces fragments of history into a barren list of names and dates, gives the best account of the treason of the Avars, p. 389, 390. The number of captives is added by Nicephorus.

† Some original pieces, such as the speech or letter of the Roman ambassadors (p. 386—388.), likewise constitute the merit of the Paschal Chronicle, which was composed, perhaps at Alexandria, under the reign of Heraclius.

“ to the foot of my throne. I will never give peace to the emperor of Rome till he has abjured his crucified God, and embraced the worship of the sun.” Sain was flayed alive, according to the inhuman practice of his country; and the separate and rigorous confinement of the ambassadors, violated the law of nations and the faith of an express stipulation. Yet the experience of six years at length persuaded the Persian monarch to renounce the conquest of Constantinople, and to specify the annual tribute or ransom of the Roman empire: a thousand talents of gold, a thousand talents of silver, a thousand silk robes, a thousand horses, and a thousand virgins. Heraclius subscribed these ignominious terms, but the time and space which he obtained to collect such treasures from the poverty of the East was industriously employed in the preparations of a bold and desperate attack.

Of the characters conspicuous in history, that of Heraclius is one of the most extraordinary and inconsistent. In the first and last years of a long reign, the emperor appears to be the slave of sloth, of pleasure, or of superstition, the careless and impotent spectator of the public calamities. But the languid mists of the morning and evening are separated by the brightness of the meridian sun: the Arcadius of the palace, arose the Cæsar of the camp; and the honour of Rome and Heraclius was gloriously retrieved by the exploits and trophies of six adventurous campaigns. It was the duty of the Byzantine historians to have revealed the causes of his slumber and vigilance. At this distance we can only conjecture, that he was endowed with more personal courage than political resolution; that he was detained by the charms, and perhaps the arts of his niece Martina, with whom, after the death of Eudocia, he contracted an incestuous marriage*; and that he yielded to the base advice of the counsellors, who urged as a fundamental law, that the life of the emperor should never be exposed in the field†. Perhaps he was

* Nicephorus (p. 10, 11.), who brands this marriage with the names of *αδελφον* and *αδελφον*, is happy to observe, that of two sons, its incestuous fruit, the elder was marked by Providence with a stiff neck, the younger with the loss of hearing.

† George of Pisidia (Actoas. i. 112—125. p. 5.), who states the opinions, acquits the pusillanimous counsellors of any sinister views. Would he have excused the proud and contemptuous admonition of Crispus? *Επιβουλεύει*

awakened by the last insolent demand of the Persian conqueror; but at the moment when Heraclius assumed the spirit of an hero, the only hopes of the Romans were drawn from the vicissitudes of fortune, which might threaten the proud prosperity of Chosroes, and must be favourable to those who had attained the lowest period of depression*. To provide for the expences of war, was the first care of the emperor; and for the purpose of collecting the tribute, he was allowed to solicit the benevolence of the Eastern provinces. But the revenue no longer flowed in the usual channels, the credit of an arbitrary prince is annihilated by his power; and the courage of Heraclius was first displayed in daring to borrow the consecrated wealth of churches under the solemn vow of restoring, with usury, whatever he had been compelled to employ in the service of religion and of the empire. The clergy themselves appear to have sympathised with the public distress, and the discreet patriarch of Alexandria, without admitting the precedent of sacrilege, assisted his sovereign by the miraculous or seasonable revelation of a secret treasure†. Of the soldiers who had conspired with Phocas only two were found to have survived the stroke of time and of the Barbarians‡; the loss, even of these seditious veterans, was imperfectly supplied by the new levies of Heraclius, and the gold of the sanctuary united in the same camp, the names, and arms, and languages, of the

ἐκ τοῦ βασιλικοῦ θησαυροῦ καταλιμπανιστὶ βασιλῆα, καὶ τοὺς πόρρω ἐπιχωριαζέτω
δυναμῶν.

* Εἰς τὰς π' ἀκροῖς ἡμέραις ἐκείνης

Ἐσφαλμένας λέγουσιν ἐκ ἀπικτοῦ;

Κισθὲ το λοιπὸν ἐν κακοῖς τὰ Περσίδος;

Ἀντιρροφῶς δέ, &c. George Pisid. Acroas. i. 51, &c. p. 4.

The Orientals are not less fond of remarking this strange vicissitude; and I remember some story of Khosrow Parviz, not very unlike the ring of Polykrates of Samos.

† Baronius gravely relates this discovery, or rather transmutation, of barrels, not of honey, but of gold (Annal. Eccles. A. D. 620, No. 3, &c.). Yet the loan was arbitrary, since it was collected by soldiers, who were ordered to leave the patriarch of Alexandria no more than one hundred pounds of gold. Nicephorus (p. 11.), two hundred years afterwards, speaks with ill-humour of this contribution, which the church of Constantinople might still feel.

‡ Theophylact Simocatta, l. viii. c. 12. This circumstance need not excite our surprise. The muster-roll of a regiment, even in time of peace, is renewed in less than twenty or twenty-five years.

East and West. He would have been content with the neutrality of the Avars; and his friendly entreaty that the chagan would act, not as the enemy but as the guardian of the empire, was accompanied with a more persuasive donative of two hundred thousand pieces of gold. Two days after the festival of Easter, the emperor, exchanging his purple for the simple garb of a penitent and warrior*, gave the signal of his departure. To the faith of the people Heraclius recommended his children; the civil and military powers were vested in the most deserving hands, and the discretion of the patriarch and senate was authorised to save or surrender the city, if they should be oppressed in his absence by the superior forces of the enemy.

The neighbouring heights of Chalcedon were covered with tents and arms: but if the new levies of Heraclius had been rashly led to the attack, the victory of the Persians in the sight of Constantinople might have been the last day of the Roman empire. As imprudent would it have been to advance into the provinces of Asia, leaving their innumerable cavalry to intercept his convoys, and continually to hang on the lassitude and disorder of his rear. But the Greeks were still masters of the sea; a fleet of gallies, transports, and storeships, was assembled in the harbour; the Barbarians consented to embark; a steady wind carried them through the Hellespont; the western and southern coast of Asia Minor lay on their left hand; the spirit of their chief was first displayed in a storm; and even the eunuchs of his train were excited to suffer and to work by the example of their master. He landed his troops on the confines of Syria and Cilicia, in the gulph of Scanderoon, where the coast suddenly turns to the south†; and his discernment was ex-

* He changed his *purple*, for *black*, buskins, and dyed them *red* in the blood of the Persians (Georg. Pisid. Acroas. iii. 118. 121, 122. See the Notes of Foggini, p. 35.).

† George of Pisidia (Acroas. ii. 10. p. 8.) has fixed this important point of the Syrian and Cilician gates. They are elegantly described by Xenophon, who marched through them a thousand years before. A narrow pass of three stadia between steep high rocks (*πιτρει ηλυσται*) and the Mediterranean, was closed at each end by strong gates, impregnable to the land (*παρελθειν εκ ης βλα*), accessible by sea (Anabasis, i. i. p. 35, 36. with Hutchinson's Geographical Dissertation, p. vi.). The gates were thirty-five parasangs, or leagues, from Tarsus (Anabasis, i. i. p. 33, 34.), and eight or ten from Antioch. (Compare Itinerar. Wesseling. p. 560,

pressed in the choice of this important post*. From all sides, the scattered garrisons of the maritime cities and the mountains might repair with speed and safety to his Imperial standard. The natural fortifications of Cilicia protected; and even concealed, the camp of Heraclius, which was pitched near Issus, on the same ground where Alexander had vanquished the host of Darius. The angle which the emperor occupied, was deeply indented into a vast semi-circle of the Asiatic, Armenian, and Syrian provinces; and to whatsoever point of the circumference he should direct his attack, it was easy for him to dissemble his own motions, and to prevent those of the enemy. In the camp of Issus, the Roman general reformed the sloth and disorder of the veterans, and educated the new recruits in the knowledge and practice of military virtue. Unfolding the miraculous image of Christ, he urged them to *revenge* the holy altars which had been profaned by the worshippers of fire; addressing them by the endearing appellations of sons and brethren, he deplored the public and private wrongs of the republic. The subjects of a monarch were persuaded that they fought in the cause of freedom; and a similar enthusiasm was communicated to the foreign mercenaries, who must have viewed with equal indifference the interest of Rome and of Persia. Heraclius himself, with the skill and patience of a centurion, inculcated the lessons of the school of tactics, and the soldiers were assiduously trained in the use of their weapons, and the exercises and evolutions of the field. The cavalry and infantry in light or heavy armour were divided into two parties; the trumpets were fixed in the centre, and their signals directed the march, the charge, the retreat, or pursuit; the direct or oblique order, the deep or extended phalanx; to represent in fictitious combat the operations of genuine war. Whatever hardship the emperor imposed on the troops, he inflicted

581. Schultens, Index. Geograph. ad calcem Vit. Saladin. p. 9. Voyage en Turquie et en Perse, par M. Otter, tom. i. p. 78, 79.).

* Heraclius might write to a friend in the modest words of Cicero: "Castra habuimus ea ipsa quæ contra Darium habuerat apud Issum"

* Alexander, imperator haud paulo melior quam aut tu aut ego." Ad Atticum, v. 20. Issus, a rich and flourishing city in the time of Xenophon, was ruined by the prosperity of Alexandria or Scandaroon, on the other side of the bay.

with equal severity on himself; their labour, their diet, their sleep, were measured by the inflexible rules of discipline; and without despising the enemy, they were taught to repose an implicit confidence in their own valour and the wisdom of their leader. Cilicia was soon encompassed with the Persian arms; but their cavalry hesitated to enter the defiles of mount Taurus, till they were circumvented by the evolutions of Heraclius, who insensibly gained their rear, whilst he appeared to present his front in order of battle. By a false motion, which seemed to threaten Armenia, he drew them against their wishes, to a general action. They were tempted by the artful disorder of his camp; but when they advanced to combat, the ground, the sun, and the expectation of both armies, were unpropitious to the Barbarians; the Romans successfully repeated their tactics in a field of battle*, and the event of the day declared to the world, that the Persians were not invincible, and that an hero was invested with the purple. Strong in victory and fame, Heraclius boldly ascended the heights of mount Taurus, directed his march through the plains of Cappadocia, and established his troops for the winter season in safe and plentiful quarters on the banks of the river Halys†. His soul was superior to the vanity of entertaining Constantinople with an imperfect triumph: but the presence of the emperor was indispensably required to sooth the restless and rapacious spirit of the Avars.

Since the days of Scipio and Hannibal, no bolder enterprise has been attempted than that which Heraclius achieved for the deliverance of the empire‡. He permitted the Persians to oppress for a while the provinces, and to in-

* Foggini (Annotat. p. 31.) suspects that the Persians were deceived by the *Φαλαξ περιλαβή* of Elian (Tactic. c. 48.), an intricate spiral motion of the army: He observed (p. 28.) that the military descriptions of George of Pisidia are transcribed in the Tactics of the emperor Leo.

† George of Pisidia, an eye-witness (Acroas. ii. 122, &c.), described, in three *acroaseis* or cantos, the first expedition of Heraclius. The poem has been lately (1777) published at Rome; but such vague and declamatory praise is far from corresponding with the sanguine hopes of Pagi, D'Anville, &c.

‡ Theophanes (p. 256.) carries Heraclius swiftly (*κατα ταχός*) into Armenia. Nicephorus (p. 11.), though he confounds the two expeditions, defines the province of Lazica. Eutychius (Annal. tom. ii. p. 231.) has given the 5000 men, with the more probable station of Trebizond.

sult with impunity the capital of the East; while the Roman emperor explored his perilous way through the Black Sea *, and the mountains of Armenia, penetrated into the heart of Persia †, and recalled the armies of the great king to the defence of their bleeding country. With a select band of five thousand soldiers, Heraclius sailed from Constantinople to Trebizond; assembled his forces which had wintered in the Pontic regions; and from the mouth of the Phasis to the Caspian Sea, encouraged his subjects and allies to march with the successor of Constantine under the faithful and victorious banner of the cross. When the legions of Lucullus and Pompey first passed the Euphrates, they blushed at their easy victory over the natives of Armenia. But the long experience of war had hardened the minds and bodies of that effeminate people; their zeal and bravery were approved in the service of a declining empire; they abhorred and feared the usurpation of the house of Sassan, and the memory of persecution envenomed their pious hatred of the enemies of Christ. The limits of Armenia, as it has been ceded to the emperor Maurice, extended as far as the Araxes; the river submitted to the indignity of a bridge ‡, and Heraclius, in the footsteps of Mark Antony, advanced towards the city of Tauris or Gandzaca §, the ancient and

* From Constantinople to Trebizond, with a fair wind, four or five days; from thence to Erzerom, five; to Erivan, twelve; to Tauris, ten; in all thirty-two. Such is the Itinerary of Tavernier (*Voyages*, tom. i. p. 32—56), who was perfectly conversant with the roads of Asia. Tournefort, who travelled with a pasha, spent ten or twelve days between Trebizond and Erzerom (*Voyage du Levant*, tom. iii. lettre xviii.); and Chardin (*Voyages*, tom. i. p. 249—254, gives the more correct distance of fifty-three parasangs, each of 5000 paces, (what paces?) between Erivan and Tauris.

† The expedition of Heraclius into Persia is finally illustrated by M. d'Anville (*Memoires de l'Academie des Inscriptions*, tom. xxviii. p. 559—573.). He discovers the situation of Gandzaca, Thebarma, Dastagerd, &c. with admirable skill and learning; but the obscure campaign of 624, he passes over in silence.

‡ *Et pontem indignatus Araxes.* Virgil, *Æneid*, viii. 789. The river Araxes is noisy, rapid, vehement, and, with the melting of the snows, irresistible: the strongest and most massy bridges are swept away by the current; and its indignation is attested by the ruins of many arches near the old town of Zula. *Voyages de Chardin*, tom. i. p. 330.

§ Chardin, tom. i. p. 233—239. With the Oriental d'Herbelot, *Biblioth. Orient.* p. 634., he ascribes the foundation of Tauris, or Tebris, to Zobeide, the wife of the famous Khalif Haroun Alraschid; but it appears to have been more ancient, and the names of Gandzaca, Ganza, Gan-

modern capital of one of the provinces of Media. At the head of forty thousand men, Chosroes himself had returned from some distant expedition to oppose the progress of the Roman arms; but he retreated on the approach of Heraclius, declining the generous alternative of peace or of battle. Instead of half a million of inhabitants, which have been ascribed to Tauris under the reign of the Sophys, the city contained no more than three thousand houses; but the value of the royal treasures was enhanced by a tradition, that they were the spoils of Cræsus, which had been transported by Cyrus from the citadel of Sardes. The rapid conquests of Heraclius were suspended only by the winter season; a motive of prudence, or superstition*, determined his retreat into the province of Albania, along the shores of the Caspian; and his tents were most probably pitched in the plains of Mogan†, the favourite encampment of Oriental princes. In the course of this successful inroad, he signalized the zeal and revenge of a Christian emperor; at his command, the soldiers extinguished the fire, and destroyed the temples of the Magi; the statues of Chosroes, who aspired to divine honours, were abandoned to the flames; and the ruins of Thebarma or Ormia‡, which had given birth to Zoroaster himself, made some atonement for the injuries of the holy sepulchre. A purer spirit of religion was shewn in the relief and deliverance of fifty thousand natives. Heraclius was rewarded by their tears and grateful acclamations; but this wise measure, which spread the fame

are expressive of the royal treasure. The number of 550,000 inhabitants is reduced by Chardin from 1,100,000, the popular estimate.

* He opened the gospel, and applied or interpreted the first casual passage to the name and situation of Albania. Theophanes, p. 358.

† The heath of Mogan, between the Cyrus and the Araxes, is sixty parasangs in length and twenty in breadth (Olearius, p. 1023, 1024.), abounding in waters and fruitful pastures (Hist. de Nader Shah, translated by Mr. Jones from a Persian MS. part ii. p. 2, 3.). See the encampments of Timer (Hist. par Skerefeddin Ali, l. v. c. 37, l. vi. c. 13.) and the coronation of Nader Shah (Hist. Persanne, p. 3—13. and the English Life by Mr. Jones, p. 64, 65.).

‡ Thebarma and Ormia, near the lake Spauto, are proved to be the same city by d'Anville (Memoires de l'Academie, tom. xxviii. p. 564, 565.). It is honoured as the birth-place of Zoroaster, according to the Persians (Schultens, Index Geograph. p. 48.); and their tradition is fortified by M. Perron d'Anquetil (Mem. de l'Acad. des inscript. tom. xxi. p. 575.), with some texts from his, or their, Zendavesta.

of his benevolence, diffused the murmurs of the Persians against the pride and obstinacy of their own sovereign.

Amidst the glories of the succeeding campaign, Heraclius is almost lost to our eyes, and to those of the Byzantine historians *. From the spacious and fruitful plains of Albania, the emperor appears to follow the chain of Hyrcanian mountains, to descend into the province of Media or Irak, and to carry his victorious arms as far as the royal cities of Casbin and Isaphan, which had never been approached by a Roman conqueror. Alarmed by the danger of his kingdom, the powers of Chosroes were already recalled from the Nile and the Bosphorus, and three formidable armies surrounded, in a distant and hostile land, the camp of the emperor. The Colchian allies prepared to desert his standard; and the fears of the bravest veterans were expressed, rather than concealed, by their desponding silence. "Be not terrified," said the intrepid Heraclius, "by the multitude of your foes. With the aid of Heaven, one Roman may triumph over a thousand Barbarians. But if we devote our lives for the salvation of our brethren, we shall obtain the crown of martyrdom, and our immortal reward will be liberally paid by God and posterity." These magnanimous sentiments were supported by the vigour of his actions. He repelled the threefold attack of the Persians, improved the divisions of their chiefs, and, by a well-concerted train of marches, retreats, and successful actions, finally chased them from the field into the fortified cities of Media and Assyria. In the severity of the winter season, Sabaraza deemed himself secure in the walls of Salban; he was surprised by the activity of Heraclius, who divided his troops and performed a laborious march in the silence of the night. The flat roofs of the houses were defended with useless valour against the darts and torches of the Romans: the satraps and nobles of Persia, with their wives and children, and the flower of their martial youth, were either slain

* I cannot find, and (what is much more) M. d'Anville does not attempt to seek, the Salban, Tarantum, territory of the Huns, &c. mentioned by Theophrastus (p. 283—284). Eutychius (Annal. tom. ii. p. 281, 282), an insufficient author, names Asphahan; and Casbin is most probably the city of Sapor. Isaphan is twenty-four days journey from Tauris, and Casbin half way between them (Voyages de Tavernier, tom. i. p. 63—64.).

of made prisoners. The general escaped by a precipitate flight, but his golden armour was the prize of the conqueror; and the soldiers of Heraclius enjoyed the wealth and repose which they had so nobly deserved. On the return of spring, the emperor traversed in seven days the mountains of Caudistan, and passed without resistance the rapid stream of the Tigris. Oppressed by the weight of their spoils and captives, the Roman army halted under the walls of Amida; and Heraclius informed the senate of Constantinople of his safety and success, which they had already felt by the retreat of the besiegers. The bridges of the Euphrates were destroyed by the Persians; but as soon as the emperor had discovered a ford, they hastily retired to defend the banks of the Sarus*, in Cilicia. That river, an impetuous torrent, was about three hundred feet broad, the bridge was fortified with strong turrets, and the banks were lined with Barbarian archers. After a bloody conflict, which continued till the evening, the Romans prevailed in the assault, and a Persian of gigantic size was slain and thrown into the Sarus by the hand of the emperor himself. The enemies were dispersed and dismayed; Heraclius pursued his march to Sebaste in Cappadocia; and at the expiration of three years, the same coast of the Euxine applauded his return from a long and victorious expedition †.

Instead of skirmishing on the frontier, the two monarchs who disputed the empire of the East aimed their desperate strokes at the heart of their rival. The military force of Persia was wasted by the marches and combats of twenty years, and many of the veterans, who had survived the perils of the sword and the climate, were still detained in the fortresses of Egypt and Syria. But the revenge and ambition of Chosroes exhausted his kingdom; and the new levies of subjects, strangers, and slaves, were divided into three formidable bodies ‡. The first army of fifty thousand men;

* At ten parasangs from Tarsus, the army of the younger Cyrus passed the Sarus, three plethra in breadth: the Pyramus, a stadium in breadth, ran five parasangs farther to the east (Xenophon, *Anab.* l. i. p. 33, 34.)

† George of Pisidia (Bell. Abaricum, 246—263. p. 49.) celebrates with truth the persevering courage of the three campaigns (*tres expeditioes*) against the Persians.

‡ Petavius (Annotations ad Nicephorum, p. 62, 63, 64.) discriminates

illustrated by the ornament and title of the *golden spear*, was destined to march against Heraclius; the second was stationed to prevent his junction with the troops of his father Theodorus; and the third was commanded to besiege Constantinople, and to second the operations of the chagan, with whom the Persian king had ratified a treaty of alliance and partition. Sarbar, the general of the third army, penetrated through the provinces of Asia to the well-known camp of Chalcedon, and amused himself with the destruction of the sacred and prophane buildings of the Asiatic suburbs, while he impatiently waited the arrival of his Scythian friends on the opposite side of the Bosphorus. On the twenty-ninth of June, thirty thousand Barbarians, the vanguard of the Avars, forced the long wall, and drove into capital a promiscuous crowd of peasants, citizens, and soldiers. Fourscore thousand * of his native subjects, and of the vassal tribes of Gepidæ, Russians, Bulgarians, and Sclavonians, advanced under the standard of the chagan; a month was spent in marches and negociations, but the whole city was invested on the thirty-first of July, from the suburbs of Pera and Galata to the Blachernæ and seven towers; and the inhabitants descried with terror the flaming signals of the European and Asiatic shores. In the mean while the magistrates of Constantinople repeatedly strove to purchase the retreat of the chagan: but their deputies were rejected and insulted; and he suffered the patricians to stand before his throne, while the Persian envoys, in silk robes, were seated by his side. "You see," said the haughty Barbarian, "the proofs of my perfect union with the great king; and his lieutenant is ready to send into my camp a select band of three thousand warriors. Presume no longer to tempt your master with a partial and inadequate ransom: your wealth and your city are the only presents worthy of my acceptance. For yourselves, I shall permit you to

the names and actions of five Persian generals who were successively sent against Heraclius.

This number of eight myriads is specified by George of Pisidia (Bell. Abar. 219.). The poet (50—88.) clearly indicates that the old chagan lived till the reign of Heraclius, and that his son and successor was born of a foreign mother. Yet Foggini (Annotat. p. 57.) has given a different interpretation to this passage.

“ depart, each with an under-garment and a shirt; and, at
 “ my entreaty, my friend Sarbar will not refuse a passage
 “ through his lines. Your absent prince, even now a cap-
 “ tive or a fugitive, has left Constantinople to its fate; nor
 “ can you escape the arms of the Avars and Persians, unless
 “ you could soar into air like birds, unless like fishes you
 “ could dive into the waves*.” During ten successive
 days, the capital was assaulted by the Avars, who had made
 some progress in the science of attack; they advanced to
 sap or batter the wall, under the cover of the impenetrable
 tortoise; their engines discharged a perpetual volley of
 stones and darts; and twelve lofty towers of wood exalted
 the combatants to the height of the neighbouring ramparts.
 But the senate and people were animated by the spirit of
 Heraclius, who had detached to their relief a body of twelve
 thousand cuirassiers; the powers of fire and mechanics were
 used with superior art and success in the defence of Con-
 stantinople; and the galleys, with two or three ranks of oars,
 commanded the Bosphorus, and rendered the Persians the
 idle spectators of the defeat of their allies. The Avars were
 repulsed; a fleet of Sclavonian canoes was destroyed in the
 harbour; the vassals of the chagan threatened to desert, his
 provisions were exhausted, and after burning his engines,
 he gave the signal of a slow and formidable retreat. The
 devotion of the Romans ascribed this signal deliverance to
 the Virgin Mary; but the mother of Christ would surely
 have condemned their inhuman murder of the Persian en-
 voys, who were entitled to the rights of humanity, if they
 were not protected by the laws of nations†.

After the division of his army, Heraclius prudently re-
 tired to the banks of the Phasis, from whence he maintained

* A bird, a frog, a mouse, and five arrows, had been the present of the
 Scythian king to Darius (Herodot. l. iv. c. 134. 132.). Substituez une
 lettre à ces signes (says Rousseau, with much good taste) plus elle sera
 menaçante moins elle effrayera: ce ne sera qu’une fanfarronade dont
 Darius n’eût fait que rire (Emile, tom. iii. p. 148.). Yet I much question
 whether the senate and people of Constantinople laughed at this message
 of the chagan.

† The Paschal Chronicle (p. 392—397.) gives a minute and authentic
 narrative of the siege and deliverance of Constantinople. Theophanes
 (p. 264.) adds some circumstances; and a faint light may be obtained
 from the smoke of George of Pisidia, who has composed a poem (de Belle
 Abarico, p. 45—54.) to commemorate this auspicious event.

a defensive war against the fifty thousand gold spears of Persia. His anxiety was relieved by the deliverance of Constantinople; his hopes were confirmed by a victory of his brother Theodorus; and to the hostile league of Chozars with the Avars, the Roman emperor opposed the useful and honourable alliance of the Turks. At his liberal invitation, the hord of Chozars* transported their tents from the plains of the Volga to the mountains of Georgia; Heraclius received them in the neighbourhood of Tessis, and the khan with his nobles dismounted from their horses, as we may credit the Greeks, and fell prostrate on the ground, to adore the purple of the Cæsar. Such voluntary homage and important aid were entitled to the warmest acknowledgments; and the emperor, taking off his own diadem, placed it on the head of the Turkish prince, whom he saluted with a tender embrace and the appellation of son. After a sumptuous banquet, he presented Ziebel with the plate and ornaments, the gold, the gems, and the silk, which had been used at the Imperial table, and, with his own hand, distributed rich jewels and ear-rings to his new allies. In a secret interview, he produced the portrait of his daughter Eudocia†, condescended to flatter the Barbarian with the promise of a fair and *august* bride, obtained an immediate succour of forty thousand horse, and negotiated a strong diversion of the Turkish arms on the side of the Oxus‡. The Persians, in their turn, retreated with precipitation; in the camp of Edessa, Heraclius reviewed an army of seventy thousand Romans and strangers; and some months were successfully employed in the recovery of the cities of Syria,

* The power of the Chozars prevailed in the viith, viiith and ixth centuries. They were known to the Greeks, the Arabs, and under the name of *Kosa*, to the Chinese themselves. De Guignes, *Hist. des Huns*, tom ii. part ii. p. 507—509.

† Epiphania, or Eudocia, the only daughter of Heraclius and his first wife Eudocia, was born at Constantinople on the 7th of July, A. D. 611, baptised the 15th of August, and crowned (in the oratory of St. Stephen in the palace) the 4th of October of the same year. At this time she was about fifteen. Eudocia was afterwards sent to her Turkish husband, but the news of his death stopped her journey and prevented the consummation (Ducange, *Familie Byzantin.* p. 118.).

‡ Elmacin (*Hist. Saracen.* p. 15—16.) gives some curious and probable facts: but his numbers are rather too high—300,000 Romans assembled at Edessa—500,000 Persians killed at Nineveh. The statement of a cypher is scarcely enough to restore his sanity.

Mesopotamia, and Armenia, whose fortifications had been imperfectly restored. Sarbar still maintained the important station of Chalcedon; but the jealousy of Chosroes, or the artifice of Heraclius, soon alienated the mind of that powerful satrap from the service of his king and country. A messenger was intercepted with a real or fictitious mandate to the *cadarigan*, or second in command, directing him to send, without delay, to the throne, the head of a guilty or unfortunate general. The dispatches were transmitted to Sarbar himself; and as soon as he read the sentence of his own death, he dextrously inserted the names of four hundred officers, assembled a military council, and asked the *cadarigan*, whether he was prepared to execute the commands of their tyrant? The Persians unanimously declared, that Chosroes had forfeited the sceptre; a separate treaty was concluded with the government of Constantinople; and if some considerations of honour or policy restrained Sarbar from joining the standard of Heraclius, the emperor was assured, that he might prosecute, without interruption, his designs of victory and peace.

Deprived of his firmest support, and doubtful of the fidelity of his subjects, the greatness of Chosroes was still conspicuous in its ruins. The number of five hundred thousand may be interpreted as an Oriental metaphor, to describe the men and arms, the horses and elephants that covered Media and Assyria against the invasion of Heraclius. Yet the Romans boldly advanced from the Araxes to the Tigris, and the timid prudence of Rhazates was content to follow them by forced marches through a desolate country, till he received a peremptory mandate to risk the fate of Persia in a decisive battle. Eastward of the Tigris, at the end of the bridge of Mosul, the great Nineveh had formerly been erected*: the city, and even the ruins of the city, had

* Ctesias (apud Diodor. Sicul. tom. i. l. ii. p. 115. edit. Wesseling) assigns 480 stadia (perhaps only 32 miles) for the circumference of Nineveh. Jonas talks of three days' journey: the 120,000 persons described by the prophet as incapable of discerning their right hand from their left, may afford about 700,000 persons of all ages for the inhabitants of that ancient capital (Goguet, Origines des Loix, &c. tom. iii. part. i. p. 92, 93.) which ceased to exist 600 years before Christ. The western suburb still subsisted, and is mentioned under the name of Mosul in the first age of the Arabian khalifas.

long since disappeared *; the vacant space afforded a spacious field for the operations of the two armies. But these operations are neglected by the Byzantine historians; and, like the authors of epic poetry and romance, they ascribe the victory not to the military conduct, but to the personal valour, of their favourite hero. On this memorable day, Heraclius, on his horse Phallas, surpassed the bravest of his warriors: his hip was pierced with a spear, the steed was wounded in the thigh, but he carried his master safe and victorious through the triple phalanx of the Barbarians. In the heat of the action, three valiant chiefs were successively slain by the sword and lance of the emperor; among these was Rhazates himself; he fell like a soldier, but the sight of his head scattered grief and despair through the fainting ranks of the Persians. His armour of pure and massy gold, the shield of one hundred and twenty plates, the sword and belt, the saddle and cuirass, adorned the triumph of Heraclius, and if he had not been faithful to Christ and his mother, the champion of Rome might have offered the fourth *opime* spoils to the Jupiter of the Capitol †. In the battle of Nineveh, which was fiercely fought from day-break to the eleventh hour, twenty-eight standards, beside those which might be broken or torn, were taken from the Persians; the greatest part of their army was cut in pieces, and the victors, concealing their own loss, passed the night on the field. They acknowledged, that on this occasion it was less difficult to kill than to discomfit the soldiers of Chosroes; amidst the bodies of their friends, no more than two bow-shot from the enemy, the remnant of the Persian cavalry stood firm till the seventh hour of the night; about the eighth hour they retired to their unrifled camp, collected their baggage, and dispersed on all sides, from the want of

* Niebuhr (*Voyage en Arabie*, &c. tom. ii. p. 286.) passed over Nineveh without perceiving it. He mistook for a ridge of hills the old rampart of brick or earth. It is said to have been 100 feet high, flanked with 1300 towers, each of the height of 200 feet.

† *Regis arma fero* (says Romulus, in the first consecration) . . . *bisq. postea* (continues Livy, i. 10.) *inter tot belle, opima parta sunt spolia, adeo rara ejus fortuna decoris.* If Varro (apud Pomp. Festum, p. 306. edit. Dacier) could justify his liberality in granting the *opima* spoils even to a common soldier who had slain the king or general of the enemy, the honour would have been much more cheap and common.

orders rather than of resolution. The diligence of Heraclius was not less admirable in the use of victory; by a march of forty-eight miles in four and twenty hours, his vanguard occupied the bridges of the greater and the lesser Zab; and the cities and palaces of Assyria were open for the first time to the Romans. By a just gradation of magnificent scenes, they penetrated to the royal seat of Dastagerd, and, though much of the treasure had been removed, and much had been expended, the remaining wealth appears to have exceeded their hopes, and even to have satiated their avarice. Whatever could not be easily transported, they consumed with fire, that Chosroes might feel the anguish of those wounds, which he had so often inflicted on the provinces of the empire: and justice might allow the excuse, if the desolation had been confined to the works of regal luxury, if national hatred, military license, and religious zeal, had not wasted with equal rage the habitations and the temples of the guiltless subject. The recovery of three hundred Roman standards, and the deliverance of the numerous captives of Edessa and Alexandria, reflect a purer glory on the arms of Heraclius. From the palace of Dastagerd, he pursued his march within a few miles of Modain or Ctesiphon, till he was stopped, on the banks of the Arba, by the difficulty of the passage, the rigour of the season; and perhaps the fame of an impregnable capital. The return of the emperor is marked by the modern name of the city of Sherhzour; he fortunately passed mount Zara, before the snow, which fell incessantly thirty-four days, and the citizens of Gandzaca, or Tauris, were compelled to entertain his soldiers and their horses with an hospitable reception*.

When the ambition of Chosroes was reduced to the defence of his hereditary kingdom, the love of glory, or even the sense of shame, should have urged him to meet his rival in the field. In the battle of Nineveh, his courage might have taught the Persians to vanquish, or he might have

* In describing this last expedition of Heraclius, the facts, the places, and the dates of Theophanes (p. 265—271.) are so accurate and authentic, that he must have followed the original letters of the emperor, of which the Paschal Chronicle has preserved (p. 398—403.) a very curious specimen.

fallen with honour by the lance of a Roman emperor. The successor of Cyrus chose rather, at a secure distance, to expect the event, to assemble the relics of the defeat, and to retire by measured steps before the march of Heraclius, till he beheld with a sigh the once loved mansions of Dastagerd. Both his friends and enemies were persuaded, that it was the intention of Chosroes to bury himself under the ruins of the city and palace: and as both might have been equally adverse to his flight, the monarch of Asia, with Sira, and three concubines, escaped through an hole in the wall nine days before the arrival of the Romans. The slow and stately procession in which he shewed himself to the prostrate crowd, was changed to a rapid and secret journey; and the first evening he lodged in the cottage of a peasant, whose humble door would scarcely give admittance to the great king*. His superstition was subdued by fear: on the third day, he entered with joy the fortifications of Ctesiphon: yet he still doubted of his safety till he had opposed the river Tigris to the pursuit of the Romans. The discovery of his flight agitated with terror and tumult the palace, the city, and the camp of Dastagerd: the satraps hesitated whether they had most to fear from their sovereign or the enemy; and the females of the haram were astonished and pleased by the sight of mankind, till the jealous husband of three thousand wives again confined them to a more distant castle. At his command, the army of Dastagerd retreated to a new camp: the front was covered by the Arba, and a line of two hundred elephants; the troops of the more distant provinces successively arrived, and the vilest domestics of the king and satraps were enrolled for the last defence of the throne. It was still in the power of Chosroes to obtain a reasonable peace; and he was repeatedly pressed by the messengers of Heraclius, to spare the blood of his subjects, and to relieve an humane conqueror from the painful duty of carrying fire and sword through the fairest countries of Asia. But the pride of the Persian had not yet sunk to the

* The words of Theophanes are remarkable: *ἡ δὲ βασιλὶς αὐτοῦ ἐν τῇ πόλει ἐκείνῃ ἐκείνῃ μὴδ' αὖτε μὴδ' αὖτε, ἢ χειρὸς αὐτοῦ ἐν τῇ πόλει ἐκείνῃ, αὐτὸς αὖτε ἐκείνῃ* *Ἡρακλίου ἐθαύμασε* (p. 306.). Young princes who discover a propensity to war should repeatedly transcribe and translate such salutary texts.

level of his fortune; he derived a momentary confidence from the retreat of the emperor; he wept with impotent rage over the ruins of his Assyrian palaces, and disregarded too long the rising murmurs of the nation, who complained that their lives and fortunes were sacrificed to the obstinacy of an old man. That unhappy old man was himself tortured with the sharpest pains both of mind and body; and, in the consciousness of his approaching end, he resolved to fix the tiara on the head of Merdaza, the most favoured of his sons. But the will of Chosroes was no longer revered, and Siroes, who gloried in the rank and merit of his mother Sira, had conspired with the malecontents to assert and anticipate the rights of primogeniture*. Twenty-two satraps, they styled themselves patriots, were tempted by the wealth and honours of a new reign: to the soldiers, the heir of Chosroes promised an increase of pay; to the Christians, the free exercise of their religion; to the captives, liberty and rewards; and to the nation, instant peace and the reduction of taxes. It was determined by the conspirators, that Siroes, with the ensigns of royalty, should appear in the camp; and if the enterprise should fail, his escape was contrived to the Imperial court. But the new monarch was saluted with unanimous acclamations; the flight of Chosroes (yet where could he have fled?) was rudely arrested, eighteen sons were massacred before his face, and he was thrown into a dungeon, where he expired on the fifth day. The Greeks and modern Persians minutely describe how Chosroes was insulted, and famished, and tortured, by the command of an inhuman son, who so far surpassed the example of his father: but at the time of his death, what tongue would relate the story of the parricide? what eye could penetrate into the *tower of darkness*? According to the faith and mercy of his Christians enemies, he sunk without hope into a still deeper abyss†; and it will not be denied, that tyrants

* The authentic narrative of the fall of Chosroes is contained in the letter of Heraclius (Chron. Paschal. p. 398.) and the history of Theophanes (p. 271.).

† On the first rumour of the death of Chosroes, an Heraclian in two cantos was instantly published at Constantinople by George of Pisidia (p. 97—105.). A priest and a poet might very properly exult in the damnation of the public enemy (*ἡρώδης ὁ βασιλεὺς*, v. 50.): but such

of every age and sex are the best entitled to such infernal abodes. The glory of the house of Sassan ended with the life of Chosroes: his unnatural son enjoyed only eight months the fruit of his crimes; and in the space of four years, the regal title was assumed by nine candidates, who disputed, with the sword or dagger, the fragments of an exhausted monarchy. Every province, and each city of Persia, was the scene of independence, or discord, and of blood, and the state of anarchy prevailed about eight years longer, till the factions were silenced and united under the common yoke of the Arabian caliphs*.

As soon as the mountains became passable, the emperor received the welcome news of the success of the conspiracy, the death of Chosroes, and the elevation of his eldest son to the throne of Persia. The authors of the revolution, eager to display their merits in the court or camp of Tauris, preceded the ambassadors of Siroes, who delivered the letters of their master to his brother the emperor of the Romans†. In the language of the usurpers of every age, he imputes his own crimes to the Deity, and, without degrading his equal majesty, he offers to reconcile the long discord of the two nations, by a treaty of peace and alliance more durable than brass or iron. The conditions of the treaty were easily defined and faithfully executed. In the recovery of the standards and prisoners which had fallen into the hands of the Persians, the emperor imitated the example of Augustus: their care of the national dignity was celebrated by the poets of the times, but the decay of genius may be measured by the distance between Horace and George of Pisidia: the subjects and brethren of Heraclius were redeemed from

mean revenge is unworthy of a king and a conqueror; and I am sorry to find so much black superstition (διομαχῶ Χοσροὺς σταυρὸν καὶ ἐσθρῆμα τιθεῖν αὐτῷ τὰ κατὰ χόλον . . . αὐτῷ τῷ τυραννιστικῷ, &c.) in the letter of Heraclius: he almost applauds the parricide of Siroes as an act of piety and justice.

* The best Oriental accounts of this last period of the Sassanian kings are found in Eutychius (Annal. tom. ii. p. 251—256.), who dissembles the parricide of Siroes, d'Herbelot (Bibliothèque Orientale, p. 789.), and Assemani (Bibliothec. Oriental. tom. iii. p. 415—420.).

† The letter of Siroes in the Paschal Chronicle (p. 402.) unfortunately ends before he proceeds to business. The treaty appears in its execution in the histories of Theophanes and Nicephorus.

HISTORY OF THE RISE AND FALL

persecution, slavery, and exile; but, instead of the Roman eagles, the true wood of the holy cross was restored to the importunate demands of the successor of Constantine. The victor was not ambitious of enlarging the weakness of the empire; the son of Chosroes abandoned without regret the conquests of his father; the Persians who evacuated the cities of Syria and Egypt were honourably conducted to the frontier; and a war which had wounded the vitals of the two monarchies, produced no change in their external and relative situation. The return of Heraclius from Tauris to Constantinople, was a perpetual triumph; and after the exploits of six glorious campaigns, he peaceably enjoyed the sabbath of his toils. After a long impatience, the senate, the clergy, and the people, went forth to meet their hero, with tears and acclamations, with olive branches and innumerable lamps: he entered the capital in a chariot drawn by four elephants; and as soon as the emperor could disengage himself from the tumult of public joy, he tasted more genuine satisfaction in the embraces of his mother and his son*.

The succeeding year was illustrated by a triumph of a very different kind, the restitution of the true cross to the holy sepulchre. Heraclius performed in person the pilgrimage of Jerusalem, the identity of the relic was verified by the discreet patriarch †, and this august ceremony has been commemorated by the annual festival of the exaltation of the cross. Before the emperor presumed to tread the consecrated ground, he was instructed to strip himself of the diadem and purple, the pomp and vanity of the world: but in the judgment of his clergy, the persecution of the Jews was more easily reconciled with the precepts of the gospel. He again ascended his throne to receive the con-

* The burthen of Corneille's song,

"Montrez Heraclius au peuple qui l'attend."

is much better suited to the present occasion. See his triumph in Theophanes (p. 272, 273.) and Nicephorus (p. 15, 16.). The life of the mother and tenderness of the son are attested by George of Pisidia (Bell. Abar. 255, &c. p. 49.). The metaphor of the Sabbath is used somewhat profanely, by these Byzantine Christians.

† See Baronius (Annal. Eccles. A. D. 628, No. 1—4.), Eutychius (Annal. tom. ii, p. 240—248.), Nicephorus (Brev. p. 15.). The case of the cross had never been broken; and this preservation of the relic is ascribed (under God) to the devotion of queen Sira.

gratulations of the ambassadors of France and India: and the fame of Moses, Alexander, and Hercules*, was eclipsed, in the popular estimation, by the superior merit and glory of the great Heraclius. Yet the deliver of the East was indigent and feeble. Of the Persian spoils, the most valuable portion had been expended in the war, distributed to the soldiers, or buried, by an unlucky tempest, in the waves of the Euxine. The conscience of the emperor was oppressed by the obligation of restoring the wealth of the clergy, which he had borrowed for their own defence: a perpetual fund was required to satisfy these inexorable creditors; the provinces, already wasted by the arms and avarice of the Persians, were compelled to a second payment of the same taxes; and the arrears of a simple citizen, the treasurer of Damascus, were continued to a fine of one hundred thousand pieces of gold. The loss of two hundred thousand soldiers† who had fallen by the sword, was of less fatal importance than the decay of arts, agriculture, and population, in this long and destructive war: and although a victorious army had been formed under the standard of Heraclius, the unnatural effort appears to have exhausted rather than exercised their strength. While the emperor triumphed at Constantinople or Jerusalem, an obscure town on the confines of Syria was pillaged by the Saracens, and they cut in pieces some troops who advanced to its relief: an ordinary and trifling occurrence, had it not been the prelude of a mighty revolution. These robbers were the apostles of Mahomet; their fanatic valour had emerged from the desert; and in the last eight years of his reign, Heraclius lost to the Arabs, the same provinces which he had rescued from the Persians.

* George of Pisidia, *Acroas.* iii. de *Expedit. contra Persas*, 415, &c. and *Heraclid.* *Acroas.* i. 65—138. I neglect the meaner parallels of Daniel, Timotheus, &c. Chosroes and the chagan were of course compared to Belshazzar, Pharaoh, the old serpent, &c.

† Suidas (in *Excerpt. Hist. Byzant.* p. 46.) gives this number; but either the *Persian* must be read for the *Isaurian* war, or this passage does not belong to the emperor Heraclius.

CHAP. XLVII.

Theological History of the Doctrine of the Incarnation.—The Human and Divine Nature of Christ.—Enmity of the Patriarchs of Alexandria and Constantinople.—St. Cyril and Nestorius.—Third General Council of Ephesus.—Heresy of Eutyches.—Fourth General Council of Chalcedon.—Civil and Ecclesiastical Discord.—Intolerance of Justinian.—The Three Chapters.—The Monothelite Controversy.—State of the Oriental Sects:—I. The Nestorians.—II. The Jacobites.—III. The Maronites.—IV. The Armenians.—V. The Copts and Abyssinians.

AFTER the extinction of paganism, the Christians in peace and piety might have enjoyed their solitary triumph. But the principle of discord was alive in their bosom, and they were more solicitous to explore the nature, than to practise the laws of their founder. I have already observed, that the disputes of the TRINITY were succeeded by those of the INCARNATION; alike scandalous to the church, alike pernicious to the state, still more minute in their origin, still more durable in their effects. It is my design to comprise in the present chapter, a religious war of two hundred and fifty years, to represent the ecclesiastical and political schism of the Oriental sects, and to introduce their clamorous or sanguinary contest, by a modest inquiry into the doctrines of the primitive church*.

* By what means shall I authenticate this previous enquiry, which I have studied to circumscribe and compress?—If I persist in supporting each fact or reflection by its proper and special evidence, every line would demand a string of testimonies, and every note would swell to a critical dissertation. But the numberless passages of antiquity which I have seen with my own eyes, are compiled, digested, and illustrated, by *Petavius* and *Le Clerc*, by *Beausobre* and *Mossheim*. I shall be constant to fortify my narrative by the names and characters of these respectable guides; and in the contemplation of a minute or remote object, I am not ashamed to borrow the aid of the strongest glasses: 1. The *Theologiae* of *Petavius*, are a work of incredible labour and pains; the volumes which relate solely to the incarnation (two folio, and rich, of 837 pages) are divided into six books—the first of thirty

I. A laudable regard for the honour of the first proselytes, has countenanced the belief, the hope, the wish, that the Ebionites, or at least the Nazarenes, were distinguished only by their obstinate perseverance in the practice of the Mosaic rites. Their churches have disappeared, their books are obliterated; their obscure freedom might allow a multitude of faith, and the softness of their infant creed would be variously moulded by the zeal or prudence of three hundred years. Yet the most charitable criticism must refuse these sectaries any knowledge of the pure and proper divinity of Christ. Educated in the school of Jewish prophecy and prejudice, they had never been taught to elevate their hopes above a human and temporal Messiah*. If they had courage to hail their king when he appeared in a plebeian garb, their grosser apprehensions were incapable of discern-

the remainder of controversy and doctrine. The Jesuit's learning is copious and correct; his latinity is pure, his method clear, his argument profound and well-connected: but he is the slave of the fathers, the scourge of heretics, and the enemy of truth and candour, as often as they are inimical to the Catholic cause. 2. The Armenian Le Clerc, who has composed in a quarto volume (Amsterdam, 1716) the ecclesiastical history of the two first centuries, was free both in his temper and situation; his sense is clear, but his thoughts are narrow; he reduces the reason or folly of ages to the standard of his private judgment, and his impartiality is sometimes quickened, and sometimes tainted, by his opposition to the fathers. See the heretics (Corinthians, lxxx. Ebionites, ciii. Carpocratians, cxv. Valentinians, cxvi. Basilidians, cxviii. Marcionites, cxli, &c.) under their proper dates. 3. The *Histoire Critique du Manichisme* (Amsterdam, 1734, 1739, in two vols. in 4to, with a posthumous dissertation sur les Nazarenes, Lausanne, 1745) of M. de Beausobre, is a treasure of ancient philosophy and theology. The learned Frenchman spins with incomparable art the systematic thread of opinion, and transforms himself by turns into the person of a saint, a sage, or an heretic. Yet his refinement is sometimes excessive: he betrays an amiable partiality in favour of the weaker side, and while he guards against calumny, he does not allow sufficient scope for superstition and fanaticism. A copious table of contents will direct the reader to any point that he wishes to examine. 4. Less profound than Petavius, less independent than Le Clerc, less ingenious than Beausobre, the historian Mosheim is full, rational, correct, and moderate. In his learned work, *De Rebus Christianis ante Constantinum* (Helmstadt, 1753, in 4to) see the Nazarenes and Ebionites, p. 172—179. 328—332. The Gnostics in general, p. 179, &c. *Cerinthus*, p. 196—202. Basilides, p. 352—361. Carpocrates, p. 363—367. Valentinus, p. 371—380. Marcion, p. 404—410. The Manicheans, p. 820—837, &c.

* Καὶ γὰρ πάντες ἡμῶς τοῦ Χριστοῦ ἀρχόντες ἐκ ἀρχαίων ἀποδοκίμαται γινώσκουσι, says the Jewish Tryphon (Justin. Dialog. p. 307.) in the name of his countrymen; and the modern Jews, the few who divert their thoughts from money to religion, still hold the same language, and allege the literal sense of the prophets.

ing their God, who had studiously disguised his celestial character under the name and person of a mortal*. The familiar companions of Jesus of Nazareth conversed with their friend and countryman, who, in all the actions of rational and animal life, appeared of the same species with themselves. His progress from infancy to youth and manhood, was marked by a regular increase in stature and wisdom; and after a painful agony of mind and body, he expired on the cross. He lived and died for the service of mankind: but the life and death of Socrates had likewise been devoted to the cause of religion and justice; and although the stoic or the hero may disdain the humble virtues of Jesus, the tears which he shed over his friend and country, may be esteemed the purest evidence of his humanity. The miracles of the gospel could not astonish a people who held, with intrepid faith, the more splendid prodigies of the Mosaic law. The prophets of ancient days had cured diseases, raised the dead, divided the sea, stopped the sun, and ascended to heaven in a fiery chariot. And the metaphorical style of the Hebrews might ascribe to a saint and martyr, the adoptive title of SON OF GOD.

Yet in the insufficient creed of the Nazarenes and the Ebionites, a distinction is faintly noticed between the heretics, who confounded the generation of Christ in the common order of nature, and the less guilty schismatics, who revered the virginity of his mother, and excluded the aid of an earthly father. The incredulity of the former was countenanced by the visible circumstances of his birth, the legal marriage of his reputed parents, Joseph and Mary, and his lineal claim to the kingdom of David and the inheritance of Judah. But the secret and authentic history, has been recorded in several copies of the gospel according to St. Matthew†, which these sectaries long preserved in the

* Chrysostom (Basnage, *Hist. des Juifs*, tom. v. c. 9. p. 183.) and Athanasius (Petav. *Dognat. Theolog.* tom. v. l. i. c. 2. p. 3.) are obliged to confess that the divinity of Christ is rarely mentioned by himself or his apostles.

† The two first chapters of St. Matthew did not exist in the Ebionite copies (Epiphanius, *Haeres.* xxx. 13.); and the miraculous conception is one of the first articles which Dr. Priestley has curtailed from his *evangelical* creed.

original Hebrew*, as the sole evidence of their faith. The natural suspicions of the husband, conscious of his own chastity, were dispelled by the assurance (in a dream) that his wife was pregnant of the Holy Ghost: and as this distant and domestic prodigy could not fall under the personal observation of the historian, he must have listened to the same voice which dictated to Isaiah the future conception of a virgin. The son of a virgin, generated by the ineffable operation of the Holy Spirit, was a creature without example or resemblance, superior in every attribute of mind and body to the children of Adam. Since the introduction of the Greek or Chaldean Philosophy †, the Jews ‡ were persuaded of the pre-existence, transmigration, and immortality of souls; and Providence was justified by a supposition, that they were confined in their earthly prisons to expiate the stains which they had contracted in a former state§. But the degrees of purity and corruption are almost immeasurable. It may be fairly presumed, that the

* It is probable enough that the first of the gospels for the use of the Jewish converts, was composed in the Hebrew or Syriac idiom: the fact is attested by a chain of fathers—Papias, Irenæus, Origen, Jerom, &c. It is devoutly believed by the Catholics, and admitted by Casaubon, Grotius, and Isaac Vossius, among the protestant critics. But this Hebrew gospel of St. Matthew is most unaccountably lost; and we may accuse the diligence or fidelity of the primitive churches, who have preferred the unauthorised version of some nameless Greek. Erasmus and his followers, who respect our Greek text as the original gospel, deprive themselves of the evidence which declares it to be the work of an apostle. See Simon, *Hist. Critique*, &c. tom. iii. c. 5—9. p. 47—101. and the *Prolegomena* of Mill and Wetstein to the New Testament.

† The metaphysics of the soul are disengaged by Cicero (*Tusculan*, l. i.) and Maximes of Tyre (*Disertat.* xvi.) from the intricacies of dialogue, which sometimes amuse, and often perplex, the readers of the *Phædrus*, the *Phædon*, and the *laws* of Plato.

‡ The disciples of Jesus were persuaded that a man might have sinned before he was born (*John*, ix. 2.), and the Pharisees held the transmigration of virtuous souls (*Joseph. de Bell. Judaico*, l. ii. c. 7.); and a modern Rabbi is modestly assured, that Hermes, Pythagoras, Plato, &c. derived their metaphysics from his illustrious countrymen.

§ Four different opinions have been entertained concerning the origin of human souls. 1. That they are eternal and divine. 2. That they were created, in a separate state of existence, before their union with the body. 3. That they have been propagated from the original stock of Adam, who contained in himself the mental as well as the corporeal seed of his posterity. 4. That each soul is occasionally created and embodied in the moment of conception.—The last of these sentiments appears to have prevailed among the moderns; and our spiritual history is grown less sublime, without becoming more intelligible.

HISTORY OF THE DECLINE AND FALL

most sublime and virtuous of human spirits was infused into the offspring of Mary and the Holy Ghost *; that his abasement was the result of his voluntary choice; and that the object of his mission was to purify, not his own, but the sins of the world. On his return to his native skies, he received the immense reward of his obedience; the everlasting kingdom of the Messiah, which had been darkly foretold by the prophets, under the carnal images of peace, of conquest, and of dominion. Omnipotence could enlarge the human faculties of Christ to the extent of his celestial office. In the language of antiquity, the title of God has not been severely confined to the first parent, and his incomparable minister, his only begotten Son, might claim, without presumption, the religious, though secondary, worship of a subject world.

II. The seeds of the faith, which had slowly arisen in the rocky and ungrateful soil of Judea, were transplanted, in full maturity, to the happier climes of the Gentiles; and the strangers of Rome or Asia, who never beheld the manhood, were the more readily disposed to embrace the divinity, of Christ. The polytheist and the philosopher, the Greek and the Barbarian, were alike accustomed to conceive a long succession, an infinite chain of angels or *dæmons*, or deities, or *æons*, or emanations, issuing from the throne of light. Nor could it seem strange or incredible, that the first of these *æons*, the *Logos*, or word of God, of the same substance with the Father, should descend upon earth to deliver the human race from vice and error, and to conduct them in the paths of life and immortality. But the prevailing doctrine of the eternity and inherent pravity of matter, infected the primitive churches of the East. Many among the Gentile proselytes, refused to believe that a celestial spirit, an undivided portion of the first essence, had been personally united with a mass of impure and contaminated flesh: and, in their zeal for the divinity, they piously abjured the humanity of Christ.

* *Ὅτι τῷ Σωτηρὶ ψυχῇ, ἢ τῷ Ἀδὰμ ἡ*—was one of the fifteen heresies imputed to Origen, and denied by his apologist (Photius, *Bibliothec. cod. ex vii.* p. 296.). Some of the Rabbis attribute one and the same soul to the persons of Adam, David, and the Messiah.

While his blood was still recent on mount Calvary*, the *Docetes*, a numerous and learned sect of Asiatics, invented the *phantastic* system, which was afterwards propagated by the Marcionites, the Manichæans, and the various names of the Gnostic heresy†. They denied the truth and authenticity of the gospels, as far as they relate the conception of Mary, the birth of Christ, and the thirty years that preceded the exercise of his ministry. He first appeared on the banks of the Jordan in the form of perfect manhood; but it was a form only, and not a substance; an human figure created by the hand of Omnipotence to imitate the faculties and actions of a man, and to impose a perpetual illusion on the senses of his friends and enemies. Articulate sounds vibrated on the ears of the disciples; but the image which was impressed on their optic nerve, eluded the more stubborn evidence of the touch; and they enjoyed the spiritual, not the corporeal, presence of the Son of God. The rage of the Jews was idly wasted against an impassive phantom; and the mystic scenes of the passion and death, the resurrection and ascension of Christ, were represented on the theatre of Jerusalem for the benefit of mankind. If it were urged, that such ideal mimicry, such incessant deception, was unworthy of the God of truth, the *Docetes* agreed with too many of their orthodox brethren in the justification of pious falsehood. In the system of the Gnostics, the Jehovah of Israel, the creator of this lower world, was a rebellious, or at least an ignorant spirit. The Son of God descended upon earth to abolish his temple and his law; and, for the accomplishment of this salutary end, he dexterously transferred to his own person the hope and prediction of a temporal Messiah.

* Apostolis adhuc in seculo superstitibus, apud Judæam Christi sanguine recente, PHANTASMA domini corpus asserabatur. Hieronym. advers. Lucifer. c. 8. The epistle of Ignatius to the Smyrnæans, and even the gospel according to St. John, are levelled against the growing error of the *Docetes*, who had obtained too much credit in the world (1 John, iv. 1—5.).

† About the year 200 of the Christian æra, Irenæus and Hippolytus refuted the thirty-two sects, τὰς ἑσπερίους ἑρῆσις, which had multiplied to fourscore in the time of Epiphanius (Phot. Biblioth. cod. cxx, cxxi, cxli.). The five books of Irenæus exist only in barbarous Latin; but the original might perhaps be found in some monastery of Greece.

One of the most subtle disputants of the Manichean school, has pressed the danger and indecency of supposing, that the God of the Christians, in the state of an human *fœtus*, emerged at the end of nine months from a female womb. The pious horror of his antagonists provoked them to disclaim all sensual circumstances of conception and delivery; to maintain, that the divinity passed through Mary like a sun-beam through a plate of glass; and to assert, that the seal of her virginity remained unbroken even at the moment when she became the mother of Christ. But the rashness of these concessions has encouraged a milder sentiment of those of the Docetes, who taught, not that Christ was a phantom, but that he was clothed with an impassible and incorruptible body. Such, indeed, in the more orthodox system he has acquired since his resurrection, and such he must have always possessed, if it were capable of pervading, without resistance or injury, the density of intermediate matter. Devoid of its most essential properties, it might be exempt from the attributes and infirmities of the flesh. A *fœtus* that could increase from an invisible point to its full maturity; a child that could attain the stature of perfect manhood, without deriving any nourishment from the ordinary sources, might continue to exist without repairing a daily waste by a daily supply of external matter. Jesus might share the repasts of his disciples without being subject to the calls of thirst or hunger; and his virgin purity was never sullied by the involuntary stains of sensual concupiscence. Of a body thus singularly constituted, a question would arise, by what means, and of what materials, it was originally framed; and our sounder theology is startled by an answer which was not peculiar to the Gnostics, that both the form and the substance proceeded from the divine essence. The idea of pure and absolute spirit is a refinement of modern philosophy; the incorporeal essence, ascribed by the ancients to human souls, celestial beings, and even the Deity himself, does not exclude the notion of extended space; and their imagination was satisfied with a subtle nature of air, or fire, or æther, incomparably more perfect than the grossness of the material world. If we define the place, we must describe the figure, of the Deity.

Our experience, perhaps our vanity, represents the power of reason and virtue under an human form. The Anthropomorphites, who swarmed among the monks of Egypt and the Catholics of Africa, could produce the express declaration of scripture, that man was made after the image of his creator*. The venerable Serapian, one of the saints of the Nisian desert, relinquished, with many a tear, his darling prejudice; and bewailed, like an infant, his unlucky conversion, which had stolen away his God, and left his mind without any visible object of faith or devotion†.

III. Such were the fleeting shadows of the Docetes. A more substantial, though less simple hypothesis, was contrived by Cerinthus of Asia‡, who dared to oppose the last of the apostles. Placed on the confines of the Jewish and Gentile world, he laboured to reconcile the Gnostic with the Ebionite, by confessing in the same Messiah the supernatural union of a man and a God: and this mystic doctrine was adopted with many fanciful improvements by Carpocrates, Basilides, and Valentine§, the heretics of the Egyptian school.

* The pilgrim Cassian, who visited Egypt in the beginning of the vith century, observes and laments the reign of anthropomorphism among the monks, who were not conscious that they embraced the system of Epicurus (Cicero, de Nat. Deorum, i. 18. 34.). Ab universo propemodum genere monachorum, qui per totam provinciam Egyptum morabantur, pro simplicitatis errore susceptum est, ut e contrario memoratum pontificem (Theophilus) velut heresi gravissima depravatum, pars maxima seniorum ab universo fraternitatis corpore decerneret detestandum (Cassian, Collation. x. 2.). As long as St. Augustin remained a Manichean, he was scandalized by the anthropomorphism of the vulgar Catholics.

† Ita est in oratione senex mente confusus, eo quod illam anthropomorphin imaginem Deitatis, quam proponere sibi in oratione consueverat aboleri de suo corde sentiret, ut in amarisimos fletus, crebrosque singultus repente prorumpens, in terram prostratus, cum ejulatu validissimo proclamaret, "Heu me miserum!" tuleram a me Deum meum, et quem nunc testem non habeo, vel quem adorem, aut interpellem jam nescio. Cassian, Collat. x. 2.

‡ St. John and Cerinthus (A. D. 80. Cleric. Hist. Eccles. p. 489) accidentally met in the public bath of Ephesus; but the apostle fled from the heretic lest the building should tumble on their heads. This foolish story, reprobated by Dr. Middleton (Miscellaneous Works, vol. ii.) is related however by Irenæus (iii. 3.), on the evidence of Polycarp. and was probably suited to the time and residence of Cerinthus. The obsolete, yet probably the true, reading of 1 John, iv. 3.—*ἀλλοι τὸν ἵσον*—alludes to the double nature of that primitive heretic.

§ The Valentinians embraced a complex, and almost incoherent system. 1. Both Christ and Jesus were sons, though of different degrees; the one acting as the rational soul, the other as the divine spirit of the servant,

In their eyes, Jesus of Nazareth was a mere mortal, the legitimate son of Joseph and Mary; but he was the best and wisest of the human race, selected as the worthy instrument to restore upon earth the worship of the true and supreme Deity. When he was baptised in the Jordan, the CHRIST, the first of the æons, the Son of God himself, descended on Jesus in the form of a dove, to inhabit his mind, and direct his actions during the allotted period of his ministry. When the Messiah was delivered into the hands of the Jews, the Christ, an immortal and impassible being, forsook his earthly tabernacle, flew back to the *pleroma* or world of spirits, and left the solitary Jesus to suffer, to complain, and to expire. But the justice and generosity of such a desertion are strongly questionable; and the fate of an innocent martyr, at first impelled, and at length abandoned, by his divine companion, might provoke the pity and indignation of the profane. Their murmurs were variously silenced by the sectaries who espoused and modified the double system of Cerinthus. It was alleged, that when Jesus was nailed to the cross, he was endowed with a miraculous apathy of mind and body, which rendered him insensible of his apparent sufferings. It was affirmed, that these momentary though real pangs, would be abundantly repaid by the temporal reign of a thousand years reserved for the Messiah in his kingdom of the new Jerusalem. It was insinuated, that if he suffered, he deserved to suffer; that human nature is never absolutely perfect; and that the cross and passion might serve to expiate the venial transgressions of the son of Joseph, before his mysterious union with the son of God*.

IV. All those who believe the immateriality of the soul, a specious and noble tenet, must confess, from their present

2. At the time of the passion, they both retired, and left only a sensitive soul and an human body. 3. Even that body was ætherial, and perhaps apparent—Such are the laborious conclusions of Mosheim. But I much doubt whether the Latin translator understood Irenæus, and whether Irenæus and the Valentinians understood themselves.

* The heretics abused the passionate exclamation of "My God, my God, why hast thou forsaken me!" Rousseau, who has drawn an eloquent, but indecent, parallel between Christ and Socrates, forgets that not a word of impatience or despair escaped from the mouth of the dying philosopher. In the Messiah, such sentiments could be only apparent; and such ill-sounding words are properly explained as the application of a psalm and prophecy.

experience, the incomprehensible union of mind and matter. A similar union is not inconsistent with a much higher, or even with the highest degree, of mental faculties; and the incarnation of an æon or archangel, the most perfect of created spirits, does not involve any positive contradiction or absurdity. In the age of religious freedom, which was determined by the council of Nice, the dignity of Christ was measured by private judgment according to the indefinite rule of scripture, or reason, or tradition. But when his pure and proper divinity had been established on the ruins of Arianism, the faith of the Catholics trembled on the edge of a precipice where it was impossible to recede, dangerous to stand, dreadful to fall; and the manifold inconveniences of their creed were aggravated by the sublime character of their theology. They hesitated to pronounce; *that God himself*, the second person of an equal and consubstantial trinity, was manifested in the flesh*; *that a being who pervades the universe, had been confined in the womb of Mary; that his eternal duration had been marked by the days, and months, and years of human existence; that the Almighty had been scourged and crucified; that his impassable essence had felt pain and anguish; that his omniscience was not exempt from ignorance; and that the source of life and immortality expired on mount Calvary.* These alarming consequences were affirmed with unflinching simplicity by Apollinaris†, bishop of Laodicea, and one of the luminaries of the church. The son of a learned grammarian, he was skilled in all the sciences

* This strong expression might be justified by the language of St. Paul, (1 Tim. iii. 16.); but we are deceived by our modern bibles. The word *ὅ* (*which*) was altered to *θεοῦ* (*God*) at Constantinople in the beginning of the sixth century: the true reading, which is visible in the Latin and Syriac versions, still exists in the reasoning of the Greek, as well as of the Latin fathers; and this fraud, with that of the *three witnesses* of St. John, is admirably detected by Sir Isaac Newton. (See his two letters translated by M. de Missy, in the *Journal Britannique*, tom. xv. p. 148—199. 351—390.) I have weighed the arguments, and may yield to the authority of the first philosophers, who was deeply skilled in critical and theological studies.

† For Apollinaris and his sect, see Socrates, l. ii. c. 48. l. iii. c. 15. Sozomen, l. v. c. 18. l. vi. c. 25. 27. Theodoret, l. v. 3. 10. 11. *Théodoret, Mémoires Ecclesiastiques*, tom. vii. p. 602—638. Not. p. 780—791. Paris. Venise, 1732. The contemporary saints always mention the bishop of Laodicea as a friend and brother. The style of the more recent historians is harsh and hostile; yet Philostorgius compares him (l. viii. c. 14—15.) to Basil and Gregory.

of Greece; eloquence, erudition, and philosophy, conspicuous in the volumes of Apollinaris, were humbly devoted to the service of religion. The worthy friend of Athanasius, the worthy antagonist of Julian, he bravely wrestled with the Arians, and Polytheists, and, though he affected the rigour of geometrical demonstration, his commentaries revealed the literal and allegorical sense of the scriptures. A mystery which had long floated in the looseness of popular belief, was defined by his perverse diligence in a technical form; and he first proclaimed the memorable words "One incarnate nature of Christ," which are still re-echoed with hostile clamours in the churches of Asia, Egypt, and Æthiopia. He taught, that the Godhead was united or mingled with the body of a man; and that the *Logos*, the eternal wisdom, supplied in the flesh the place and office of an human soul. Yet as the profound doctor had been terrified at his own rashness, Apollinaris was heard to mutter some faint accents of excuse and explanation. He acquiesced in the old distinction of the Greek philosophers, between the rational and sensitive soul of man; that he might reserve the *Logos* for intellectual functions, and employ the subordinate human principle in the meaner actions of animal life. With the moderate Docetes, he revered Mary as the spiritual, rather than as the carnal, mother of Christ, whose body either came from heaven, impassable and incorruptible, or was absorbed, and as it were transformed, into the essence of the Deity. The system of Apollinaris was strenuously encountered by the Asiatic and Syrian divines, whose schools are honoured by the names of Basil, Gregory, and Chrysostom, and tainted by those of Diodorus, Theodore, and Nestorius. But the person of the aged bishop of Laodicea, his character and dignity, remained inviolate; and his rivals, since we may not suspect them of the weakness of toleration, were astonished, perhaps, by the novelty of the argument, and diffident of the final sentence of the Catholic church. Her judgment at length inclined in their favour; the heresy of Apollinaris was condemned, and the separate congregations of his disciples were proscribed by the Imperial laws. But his principles were secretly entertained in the monasteries of Egypt, and his enemies felt the hatred of Theophylus and Cyril the successive patriarchs of Alexandria.

V. The groveling Ebionite, and the phantastic Docetes, were rejected and forgotten: the recent zeal against the errors of Apollinaris, reduced the Catholics to a seeming agreement with the double nature of Cerinthus. But instead of a temporary and occasional alliance, *they* established, and *we* still embrace, the substantial, indissoluble, and everlasting union of a perfect God with a perfect man, of the second person of the trinity with a reasonable soul and human flesh. In the beginning of the fifth century, the *unity* of the *two natures* was the prevailing doctrine of the church. On all sides, it was confessed, that the mode of their co-existence could neither be represented by our ideas, nor expressed by our language. Yet a secret and incurable discord was cherished, between those who were most apprehensive of confounding, and those who were most fearful of separating, the divinity, and the humanity, of Christ. Impelled by religious frenzy, they fled with adverse haste from the error which they mutually deemed most destructive of truth and salvation. On either hand they were anxious to guard, they were jealous to defend, the union and the distinction of the two natures, and to invent such forms of speech, such symbols of doctrine, as were least susceptible of doubt or ambiguity. The poverty of ideas and language tempted them to ransack art and nature for every possible comparison, and each comparison misled their fancy in the explanation of an incomparable mystery. In the polemic microscope, an atom is enlarged to a monster, and each party was skillful to exaggerate the absurd or impious conclusions that might be extorted from the principles of their adversaries. To escape from each other, they wandered through many a dark and devious thicket, till they were astonished by the horrid phantoms of Cerinthus and Apollinaris, who guarded the opposite issues of the theological labyrinth. As soon as they beheld the twilight of sense and heresy, they started, measured back their steps, and were again involved in the gloom of impenetrable orthodoxy. To purge themselves from the guilt, or reproach of damnable error, they disavowed their consequences, explained their principles, excused their indiscretions, and unanimously pronounced the sounds of concord and faith. Yet a latent and almost invisible spark still lurked

among the embers of controversy: by the breath of prejudice and passion, it was quickly kindled to a mighty flame, and the verbal disputes* of the Oriental sects, have shaken the pillars of the church and state.

The name of CYRIL of Alexandria is famous in controversial story, and the title of *saint* is a mark that his opinions and his party have finally prevailed. In the house of his uncle, the archbishop Theophilus, he imbibed the orthodox lessons of zeal and dominion, and five years of his youth were profitably spent in the adjacent monasteries of Nitria. Under the tuition of the abbot Serapion, he applied himself to ecclesiastical studies, with such indefatigable ardour, that in the course of *one* sleepless night, he has perused the four gospels, the catholic epistles, and the epistle to the Romans. Origen he detested: but the writings of Clemens and Dionysius, of Athanasius and Basil, were continually in his hands; by the theory and practice of dispute, his faith was confirmed and his wit was sharpened; he extended round his cell the cobwebs of scholastic theology, and meditated the works of allegory and metaphysics, whose remains, in seven verbose folios, now peaceably slumber by the side of their rivals†. Cyril prayed and fasted in the desert, but his thoughts (it is the reproach of a friend‡) were still fixed on the world; and the call of Theophilus, who summoned him to the tumult of cities and synods, was too readily obeyed by the aspiring hermit. With the approbation of his uncle, he assumed the office, and acquired the fame of a popular preacher. His

* I appeal to the confession of two Oriental prelates, Gregory Abulpharagius the Jacobite primate of the East, and Elias the Nestorian metropolitan of Damascus (see Asseman. *Bibliothec. Oriental.* tom. ii. p. 291. tom. iii. p. 514, &c.), that the Melchites, Jacobites, Nestorians, &c. agree in the doctrine, and differ only in the expression. Our most learned and rational divines—Basnage, Le Clerc, Beausobre, La Croze, Moheim, Jablonski—are inclined to favour this charitable judgment; but the zeal of Petavius is loud and angry, and the moderation of Dupin is conveyed in a whisper.

† La Croze (*Hist. du Christianisme des Indes*, tom. i. p. 24.) avows his contempt for the genius and writings of Cyril. De tous les ouvrages des anciens, il y en a peu qu'on lise avec moins d'utilité; and Dupin (*Bibliothèque Ecclesiastique*, tom. iv. p. 42—52.), in words of respect, teaches us to despise them.

‡ Of Isidore of Pelusium (l. i. epist. 25. p. 8.). As the letter is not of the most creditable sort, Tillemont, less sincere than the Bullodist, affects a doubt whether this Cyril is the nephew of Theophilus (*Mém. Eccles.* tom. xiv. p. 268.).

comely person adorned the pulpit, the harmony of his voice resounded in the cathedral, his friends were stationed to lead or second the applause of the congregation*, and the hasty notes of the scribes preserved his discourses, which in their effect, though not in their composition, might be compared with those of the Athenian orators. The death of Theophilus expanded and realised the hopes of his nephew. The clergy of Alexandria was divided; the soldiers and their general supported the claims of the archdeacon; but a resistless multitude, with voices and with hands, asserted the cause of their favourite; and, after a period of thirty-nine years, Cyril was seated on the throne of Athanasius†.

The prize was not unworthy of his ambition. At a distance from the court, and at the head of an immense capital, the patriarch, as he was now styled, of Alexandria had gradually usurped the state and authority of a civil magistrate. The public and private charities of the city were managed by his discretion; his voice inflamed or appeased the passions of the multitude; his commands were blindly obeyed by his numerous and fanatic *parabolani*‡, familiarised in their daily office with scenes of death; and the præfects of Egypt were awed or provoked by the temporal power of these Christian pontiffs. Ardent in the prosecution of heresy, Cyril auspiciously opened his reign by oppressing the Novatians, the most innocent and harmless of the sectaries. The interdiction of their religious worship appeared in his eyes a just and meritorious act; and he

* A grammarian is named by Socrates (l. vii. 13.) διακονος δι' ακριβειας τῆ ἐπισκοπῆ Κυλλῆ καθιστος, και περι το κροτος εν ταις διδασκαλιας αὐτῆς ἔργῳιεν ηἱ σπουδαιοτατοις.

† See the youth and promotion of Cyril, in Socrates (l. vii. c. 7.) and Renaudot (Hist. Patriarch. Alexandrin. p. 106. 108.) The Abbé Renaudot drew his materials from the Arabic history of Severus, bishop of Hieropolis Magna, or Ashmunein, in the xth century, who can never be trusted, unless our assent is extorted by the internal evidence of facts.

‡ The *Parabolani* of Alexandria were a charitable corporation, instituted during the plague of Gallienus, to visit the sick and bury the dead. They gradually enlarged, abused and sold the privileges of their order. Their outrageous conduct under the reign of Cyril provoked the emperor to deprive the patriarch of their nomination, and restrain their number to five or six hundred. But these restraints were transient and ineffectual. See the Theodosian Code, l. xvi. tit. ii. and Tillemont, Mem. Eccles. tom. xiv. p. 276-278.

confiscated their holy vessels, without apprehending the guilt of sacrilege. The toleration, and even the privileges of the Jews, who had multiplied to the number of forty thousand, were secured by the laws of the Cæsars and Ptolemies, and a long prescription of seven hundred years since the foundation of Alexandria. Without any legal sentence, without any royal mandate, the patriarch, at the dawn of day, led a seditious multitude to the attack of the synagogues. Unarmed and unprepared, the Jews were incapable of resistance; their houses of prayer were levelled with the ground, and the episcopal warrior, after rewarding his troops with the plunder of their goods, expelled from the city the remnant of the unbelieving nation. Perhaps he might plead the insolence of their prosperity, and their deadly hatred of the Christians, whose blood they had recently shed in a malicious or accidental tumult. Such crimes would have deserved the animadversion of the magistrate; but in this promiscuous outrage, the innocent were confounded with the guilty, and Alexandria was impoverished by the loss of a wealthy and industrious colony. The zeal of Cyril exposed him to the penalties of the Julian law; but in a feeble government, and a superstitious age, he was secure of impunity, and even of praise. Orestes complained; but his just complaints were too quickly forgotten by the ministers of Theodosius, and too deeply remembered by a priest who affected to pardon, and continued to hate the præfect of Egypt. As he passed through the streets, his chariot was assaulted by a band of five hundred of the Nitrian monks; his guards fled from the wild beasts of the desert; his protestations that he was a Christian and a Catholic, were answered by a volley of stones, and the face of Orestes was covered with blood. The loyal citizens of Alexandria hastened to his rescue; he instantly satisfied his justice and revenge against the monk by whose hand he had been wounded, and Ammonius expired under the rod of the lictor. At the command of Cyril, his body was raised from the ground, and transported, in solemn procession, to the cathedral; the name of Ammonius was changed to that of Thaumasius the *wonderful*; his tomb was decorated with the trophies of martyrdom, and the pa-

triarch ascended the pulpit to celebrate the magnanimity of an assassin and a rebel. Such honours might incite the faithful to combat and die under the banners of the saint; and he soon prompted, or accepted, the sacrifice of a virgin, who professed the religion of the Greeks, and cultivated the friendship of Orestes. Hypatia, the daughter of Theon the mathematician*, was initiated in her father's studies; her learned comments have elucidated the geometry of Apollonius and Diophantus, and she publicly taught, both at Athens and Alexandria, the philosophy of Plato and Aristotle. In the bloom of beauty, and in the maturity of wisdom, the modest maid refused her lovers and instructed her disciples; the persons most illustrious for their rank or merit were impatient to visit the female philosopher; and Cyril beheld, with a jealous eye, the gorgeous train of horses and slaves who crowded the door of her academy. A rumour was spread among the Christians, that the daughter of Theon was the only obstacle to the reconciliation of the præfect and the archbishop; and that obstacle was speedily removed. On a fatal day, in the holy season of Lent, Hypatia was torn from her chariot, stripped naked, dragged to the church, and inhumanly butchered by the hands of Peter the reader, and a troop of savage and merciless fanatics: her flesh was scraped from her bones with sharp oyster-shells†, and her quivering limbs were delivered to the flames. The just progress of inquiry and punishment was stopped by seasonable gifts; but the murder of Hypatia has imprinted an indelible stain on the character and religion of Cyril of Alexandria.

* For Theon, and his daughter Hypatia, see Fabricius, Bibliothec. tom. viii. p. 210, 211. Her article in the Lexicon of Suidas is curious and original. Hesychius (Meursii Opera, tom. vii. p. 295, 296.) observes, that she was prosecuted *διὰ τὴν υπερβλλυσαν σοφίαν*; and an epigram in the Greek Anthology (l. i. c. 76. p. 159. edit. Breda) celebrates her knowledge and eloquence. She is honourably mentioned (Epist. 10. 15, 16. 38—80. 124. 135. 153.) by her friend and disciple the philosophic bishop Synesius.

† *Ὀστράκῳς ἀνιλοῖ, καὶ μίλῳ διὰσπασαντις, &c.* Oyster-shells were plentifully strewn on the sea-beach before the Cæsareum. I may therefore prefer the literal sense, without rejecting the metaphorical version of *tegula*, tiles which is used by M. de Valois. I am ignorant, and the ancients were probably regardless, whether their victim was yet alive.

These exploits of St. Cyril are recorded by Socrates (l. vii. c. 13, 14, 15) and the most reluctant bigotry is compelled to copy an historian

“ Superstition, perhaps, would more gently expiate the blood of a virgin, than the banishment of a saint; and Cyril had accompanied his uncle to the iniquitous synod of the Oak. When the memory of Chrysostom was restored and consecrated, the nephew of Theophilus, at the head of a dying faction, still maintained the justice of his sentence; nor was it till after a tedious delay and an obstinate resistance, that he yielded to the consent of the Catholic world*.

His enmity to the Byzantine pontiffs† was a sense of interest, not a sally of passion: he envied their fortunate station in the sunshine of the Imperial court; and he dreaded their upstart ambition, which oppressed the metropolitans of Europe and Asia, invaded the provinces of Antioch and Alexandria, and measured their diocese by the limits of the empire. The long moderation of Athens, the mild usurper of the throne of Chrysostom, suspended the animosities of the eastern patriarchs; but Cyril was at length awakened by the exaltation of a rival more worthy of his esteem and hatred. After the short and troubled reign of Sisinnius bishop of Constantinople, the factions of the clergy and people were appeased by the choice of the emperor, who, on this occasion, consulted the voice of fame, and invited the merit of a stranger. Nestorius‡, a native of Germanicia, and a monk of Antioch, was recommended by the austerity of his life, and the eloquence of his sermons; but the first homily which he preached before the devout Theodosius betrayed the acrimony and impatience of his zeal. “ Give me, O Cæsar!” he exclaimed, “ give me the earth purged of heretics, and I will give you in exchange

who coolly styles the murderers of Hypatia *ἀντιπατορὶς καὶ φονεὺς ἁγίων*. At the mention of that injured name, I am pleased to observe a blush even on the cheek of Baronius (A. D. 415. No. 48.).

* He was deaf to the entreaties of Atticus of Constantinople, and of Isidore of Pelusium, and yielded only (if we may believe Nicephorus, l. xiv. c. 18.) to the personal intercession of the Virgin. Yet in his last years he still muttered that John Chrysostom had been justly condemned (Tillemont, Mem. Eccles. tom. xiv. p. 278—282. Baronius, Annal. Eccles. A. D. 412. No. 46—64.).

† See their characters in the history of Socrates (l. vii. c. 25—28.); their power and pretensions, in the huge compilation of Thomassin (*Discipline de l'Eglise*, tom. i. p. 80—91.).

‡ His elevation and conduct are described by Socrates (l. vii. c. 29. 31.); and Marcellinus seems to have applied the eloquent *καὶ τὸν πατέρα* of Salust.

" the kingdom of heaven. Exterminate with me, the heretics; and with you, I will exterminate the Persians." On the fifth day, as if the treaty had been already signed, the patriarch of Constantinople discovered, surprised, and attacked a secret conventicle of the Arians: they preferred death to submission; the flames that were kindled by their despair, soon spread to the neighbouring houses, and the triumph of Nestorius was clouded by the name of *incendiary*. On either side of the Hellespont, his episcopal vigour imposed a rigid formulary of faith and discipline; a chronological error concerning the festival of Easter was punished as an offence against the church and state. Lydia and Caria, Sardes and Miletus, were purified with the blood of the obstinate Quartodecimans; and the edict of the emperor, or rather of the patriarch, enumerates three and twenty degrees and denominations in the guilt and punishment of heresy*. But the sword of persecution, which Nestorius so furiously wielded, was soon turned against his own breast. Religion was the pretence; but, in the judgment of a contemporary saint, ambition was the genuine motive of episcopal warfare†.

In the Syrian school, Nestorius had been taught to abhor the confusion of the two natures, and nicely to discriminate the humanity of his *master* Christ from the divinity of the *Lord* Jesus‡. The Blessed Virgin he revered as the mother of Christ, but his ears were offended with the rash and recent title of mother of God §, which had been insensibly

* Cod. Theodos. l. xvi. tit. v. leg. 65. with the illustrations of Barobius (A. D. 428. No. 25, &c.), Godefroy (ad locum), and Pagi (Critica, tom. ii. p. 208.).

† Isidore of Pelusium (l. iv. epist. 57.). His words are strong and scandalous—*τι θαυμάσις, εἰ καὶ νῦν περὶ πρᾶγμα θεῖον καὶ λόγον κρείττον διαφωρῶν προσποιεῖται ὑπο φιλαρχίας ἐκβαλλόμενος*. Isidore is a saint, but he never became a bishop; and I half suspect that the pride of Diogenes trampled on the pride of Plato.

‡ La Croze (Christianisme des Indes, tom. i. p. 44—53. Thesaurus Epistolicus La Crozianus, tom. iii. p. 276—280.) has detected the use of *ὁ δεσποτης*, and *ὁ κυριος* *Ιησους*, which, in the ivth, vth, and vith centuries, discriminate the school of Diodorus of Tarsus and his Nestorian disciples.

§ *Θεοτοκος*—*Drigara*: as in zoology we familiarly speak of oviparous and viviparous animals. It is not easy to fix the invention of this word, which La Croze (Christianisme des Indes, tom. i. p. 16.) ascribes to Eusebius of Cæsarea and the Arians. The orthodox testimonies are produced by Cyril and Petavius (Dogmat. Theolog. tom. v. l. v. c. 15. p. 254, &c.);

adopted since the origin of the Arian controversy. From the pulpit of Constantinople, a friend of the patriarch, and afterwards the patriarch himself, repeatedly preached against the use, or the abuse, of a word * unknown to the apostles, unauthorised by the church, and which could only tend to alarm the timorous, to mislead the simple, to amuse the profane, and to justify, by a seeming resemblance, the old genealogy of Olympus †. In his calmer moments Nestorius confessed, that it might be tolerated or excused by the union of the two natures, and the communication of their idioms ‡: but he was exasperated, by contradiction, to disclaim the worship of a new-born, an infant Deity, to draw his inadequate similes from the conjugal or civil partnerships of life, and to describe the manhood of Christ as the robe, the instrument, the tabernacle of his Godhead. At these blasphemous sounds, the pillars of the sanctuary were shaken. The unsuccessful competitors of Nestorius indulged their pious or personal resentment, the Byzantine clergy was secretly displeased with the intrusion of a stranger; whatever is superstitious or absurd, might claim the protection of the monks; and the people was interested in the glory of their virgin patroness §. The sermons of the archbishop, and the service of the altar, were disturbed by seditious clamour; his authority and doctrine were renounced by separate congregations; every wind scattered round the em-

but the veracity of the saint is questionable, and the epithet of *Θεοτοκος* so easily slides from the margin to the text of a Catholic MS.

* Basnage, in his *Histoire de l'Eglise*, a work of controversy (tom. i. p. 505.), justifies the mother by the blood of God (Acts xx. 28. with Mill's various readings). But the Greek MSS. are far from unanimous; and the primitive style of the blood of Christ is preserved in the Syriac version, even in those copies which were used by the Christians of St. Thomas on the coast of Malabar (La Croze, *Christianisme des Indes*, tom. i. p. 347.). The jealousy of the Nestorians and Monophysites has guarded the purity of their text.

† The Pagans of Egypt already laughed at the new Cybele of the Christians (Isidor. l. i. epist. 54.): a letter was forged in the name of Hypatia, to ridicule the Theology of her assassin (Synodicon, c. 216. in tom. iv. Concil. p. 484.). In the article of NESTORIUS, Bayle has scattered some loose philosophy on the worship of the Virgin Mary.

‡ The *avvayvaxis* of the Greeks, a mutual loan or transfer of the idioms or properties of each nature to the other—of infinity to man, passibility to God, &c. Twelve rules on this nicest of subjects compose the Theological Grammar of Petavius (*Dogmata Theolog.* tom. v. l. iv. c. 14. 15. p. 209, &c.).

§ See Ducange, *C. P. Christiana*, l. i. p. 36, &c.

pire the leaves of controversy ; and the voice of the combatants on a sonorous theatre re-echoed in the cells of Palestine and Egypt. It was the duty of Cyril to enlighten the zeal and ignorance of his innumerable monks : in the school of Alexandria, he had imbibed and professed the incarnation of one nature ; and the successor of Athanasius consulted his pride and ambition, when he rose in arms against another Arius, more formidable and more guilty, on the second throne of the hierarchy. After a short correspondence, in which the rival prelates disguised their hatred in the hollow language of respect and charity, the patriarch of Alexandria denounced to the prince and people, to the East and to the West, the damnable errors of the Byzantine pontiff. From the East, more especially from Antioch, he obtained the ambiguous counsels of toleration and silence, which were addressed to both parties while they favoured the cause of Nestorius. But the Vatican received with open arms the messengers of Egypt. The vanity of Celestine was flattered by the appeal ; and the partial version of a monk decided the faith of the pope, who, with his Latin clergy, was ignorant of the language, the arts, and the theology of the Greeks. At the head of an Italian synod, Celestine weighed the merits of the cause, approved the creed of Cyril, condemned the sentiments and person of Nestorius, degraded the heretic from his episcopal dignity, allowed a respite of ten days for recantation and penance, and delegated to his enemy the execution of this rash and illegal sentence. But the patriarch of Alexandria, whilst he darted the thunders of a god, exposed the errors and passions of a mortal : and his twelve anathemas * still torture the orthodox slaves, who adore the memory of a saint, without forsaking their allegiance to the synod of Chalcedon. These bold assertions are indelibly tinged with the colours of the Apollinarian heresy : but the serious, and perhaps the sincere, professions of Nestorius have satisfied the wiser and less partial theologians of the present times †.

* Concil. tom. iii. p. 943. They have never been *directly* approved by the church (Fleumont, Mem. Eccles. tom. xiv. p. 368—372.). I almost pity the agony of rage and sophistry with which Petavius seems to be agitated in the viith book of his *Dogmata Theologica*.

† Such as the rational Bagnage (ad tom. i. Variar. *Lectio Canisii* in 2 K 2

Yet neither the emperor nor the primate of the East were disposed to obey the mandate of an Italian priest; and a synod of the Catholic, or rather of the Greek church, was unanimously demanded as the sole remedy that could appease or decide this ecclesiastical quarrel*. Ephesus, on all sides accessible by sea and land, was chosen for the place, the festival of Pentecost for the day, of the meeting: a writ of summons was dispatched to each metropolitan, and a guard was stationed to protect and confine the fathers till they should settle the mysteries of heaven, and the faith of the earth. Nestorius appeared not as a criminal, but as a judge; he depended on the weight rather than the number of his prelates, and his sturdy slaves from the baths of Zeuxippus were armed for every service of injury or defence. But his adversary Cyril was more powerful in the weapons both of the flesh and of the spirit. Disobedient to the letter, or at least to the meaning, of the royal summons, he was attended by fifty Egyptian bishops, who expected from their patriarch's nod the inspiration of the Holy Ghost. He had contracted an intimate alliance with Memnon bishop of Ephesus. The despotic primate of Asia disposed of the ready succours of thirty or forty episcopal votes: a crowd of peasants, the slaves of the church, was poured into the city to support with blows and clamours a metaphysical argument; and the people zealously asserted the honour of the Virgin, whose body reposed within the walls of Ephesus†.

Præfat. c. ii. p. 11—23.) and La Croze, the universal scholar (Christianisme des Indes, tom. i. p. 16—20. De l'Ethiophe, p. 26, 27. Thesaur. Epist. p. 176, &c. 283, 285.). His free sentence is confirmed by that of his friends Jablonski (Thesaur. Epist. tom. i. p. 193—201.) and Mosheim (idem, p. 304. Nestorium crimine caruisse est et mea sententia); and three more respectable judges will not easily be found. Asemann, a learned and modest slave, can hardly discern (Bibliothec. Orient. tom. iv. p. 190—224.) the guilt and error of the Nestorians.

* The origin and progress of the Nestorian controversy, till the synod of Ephesus, may be found in Socrates (l. vii. c. 32.), Evagrius (l. i. c. 1, 2.), Liberatus (Brev. c. 1—4.), the original Acts (Concil. tom. iii. p. 551—991. edit. Venice, 1728), the Annals of Baronius and Pagi, and the faithful collections of Tillemont (Mem. Eccles. tom. xiv. p. 283—377.).

† The Christians of the four first centuries were ignorant of the death and burial of Mary. The tradition of Ephesus is affirmed by the synod (ὡς ὁ θεολόγος Ἰωάννης, καὶ ἡ θεοτοκος παρθένος ἡ ἀγία Μαρία. Concil. tom. iii. p. 1102.); yet it has been superseded by the claim of Jerusalem; and her empty sepulchre, as it was shewn to the pilgrims, produced the

The fleet which had transported Cyril from Alexandria was laden with the riches of Egypt; and he disembarked a numerous body of mariners, slaves, and fanatics, enlisted with blind obedience under the banner of St. Mark and the mother of God. The fathers, and even the guards, of the council were awed by this martial array; the adversaries of Cyril and Mary were insulted in the streets, or threatened in their houses; his eloquence and liberality made a daily increase in the number of his adherents; and the Egyptian soon computed that he might command the attendance and the voices of two hundred bishops*. But the author of the twelve anathemas foresaw and dreaded the opposition of John of Antioch, who with a small, though respectable, train of metropolitans and divines, was advancing by slow journies from the distant capital of the East. Impatient of a delay which he stigmatized as voluntary and culpable† Cyril announced the opening of the synod sixteen days after the festival of Pentecost. Nestorius, who depended on the near approach of his Eastern friends, persisted, like his predecessor Chrysostom, to disclaim the jurisdiction and to disobey the summons of his enemies: they hastened his trial, and his accuser presided in the seat of judgment. Sixty-eight bishops, twenty-two of metropolitan rank, defended his cause by a modest and temperate protest; they were excluded from the counsels of their brethren. Candidian, in the emperor's name, requested a delay of four days: the profane magistrate was driven with outrage and insult from the assembly of the saints. The whole of this momentous transaction was crowded into the compass of a summer's

fable of her resurrection and assumption, in which the Greek and Latin churches have piously acquiesced. See Baronius (*Annal. Eccles. A.D. 48, No. 6, &c.*) and Tillemont (*Mem. Eccles. tom. i. p. 467—477.*).

* The Acts of Chalcedon (*Concil. tom. iv. p. 1405. 1408.*) exhibit a lively picture of the blind, obstinate servitude of the bishops of Egypt to their patriarch.

† Civil or ecclesiastical business detained the bishops at Antioch till the 18th of May. Ephesus was at the distance of thirty days' journey; and ten days more may be fairly allowed for accidents and repose. The march of Xenophon over the same ground enumerates above 260 parasangs or leagues; and this measure might be illustrated from ancient and modern itineraries, if I knew how to compare the speed of an army, a synod, and a caravan. John of Antioch is reluctantly acquitted by Tillemont himself (*Mem. Eccles. tom. xiv. p. 386—389.*).

day; the bishops delivered their separate opinions; but the uniformity of style reveals the influence or the hand of a master, who has been accused of corrupting the public evidence of their acts and subscriptions*. Without a dissenting voice, they recognized in the epistles of Cyril, the Nicene creed and the doctrine of the fathers: but the partial extracts from the letters and homilies of Nestorius were interrupted by curses and anathemas: and the heretic was degraded from his episcopal and ecclesiastical dignity. The sentence, maliciously inscribed to the new Judas, was affixed and proclaimed in the streets of Ephesus; the weary prelates, as they issued from the church of the mother of God, were saluted as her champions; and her victory was celebrated by the illuminations, the songs, and the tumult of the night.

On the fifth day, the triumph was clouded by the arrival and indignation of the Eastern bishops. In a chamber of the inn, before he had wiped the dust from his shoes, John of Antioch gave audience to Candidian the imperial minister; who related his ineffectual efforts to prevent or to annul the hasty violence of the Egyptian. With equal haste and violence, the Oriental synod of fifty bishops degraded Cyril and Memnon from their episcopal honours, condemned, in the twelve anathemas, the purest venom of the Apollinarian heresy, and described the Alexandrian primate as a monster, born and educated for the destruction of the church†. His throne was distant and inaccessible; but they instantly resolved to bestow on the flock of Ephesus the blessing of a faithful shepherd. By the vigilance of Memnon, the churches were shut against them, and a strong garrison was thrown into the cathedral. The troops, under the command of Candidian, advanced to the assault; the outguards were

* Μεμφομενον μη κατα το διοι τα εν Εφεσσυ συντιθηται υποσηματα πατερων δε και την αθισμην κανονομια Κυριλλου τετραζοντος. Evagrius, l. i. c. 7. The same imputation was urged by court Irenæus (tom. iii. p. 1249.); and the orthodox critics do not find it an easy task to defend the purity of the Greek or Latin copies of the Acts.

† Ο δε επ' ολιθω των εκκλησιων τεχθεις και τραφεις. After the coalition of John and Cyril, these invectives were mutually forgotten. The style of declamation must never be confounded with the genuine sense which respectable enemies entertain of each other's merit. (Concil. tom. iii. p. 1244.).

routed and put to the sword, but the place was impregnable: the besiegers retired; their retreat was pursued by a vigorous sally; they lost their horses, and many of the soldiers were dangerously wounded with clubs and stones. Ephesus, the city of the Virgin, was defiled with rage and clamour, with sedition and blood; the rival synods darted anathemas and excommunications from their spiritual engines; and the court of Theodosius was perplexed by the adverse and contradictory narratives of the Syrian and Egyptian factions. During a busy period of three months, the emperor tried every method, except the most effectual means of indifference and contempt, to reconcile this theological quarrel. He attempted to remove or intimidate the leaders by a common sentence of acquittal or condemnation; he invested his representatives at Ephesus with ample power and military force: he summoned from either party eight chosen deputies to a free and candid conference in the neighbourhood of the capital, far from the contagion of popular frenzy. But the Orientals refused to yield, and the Catholics, proud of their numbers and of their Latin allies, rejected all terms of union or toleration. The patience of the meek Theodosius was provoked, and he dissolved in anger this episcopal tumult, which at the distance of thirteen centuries assumes the venerable aspect of the third œcumenical council*. "God is my witness," said the pious prince, "that I am not the author of this confusion. His providence will discern and punish the guilty. Return to your provinces, and may your private virtues repair the mischief and scandal of your meeting." They returned to their provinces; but the same passions which had distracted the synod of Ephesus were diffused over the Eastern world. After three obstinate and equal campaigns, John of Antioch and Cyril of Alexandria condescended to explain and embrace: but their seeming re-union must be imputed rather to prudence than

* See the Acts of the Synod of Ephesus, in the original Greek, and a Latin version almost contemporary (Concil. tom. iii. p. 901—1339, with the Synodicon adversus Tragediam Irenæi, tom. iv. p. 235—497.), the Ecclesiastical Histories of Socrates (l. vii. c. 34.) and Evagrius (l. i. c. 3, 4, 5.), and the Breviary of Liberatus (in Concil. tom. vi. p. 419—450, c. 5, 6.), and the Mémoires Eccles. of Tillemont (tom. xiv. p. 377—487.).

to reason, to the mutual lassitude rather than to the Christian charity of the patriarchs.

The Byzantine pontiff had instilled into the royal ear a baleful prejudice against the character and conduct of his Egyptian rival. An epistle of menace and invective*, which accompanied the summons, accused him as a busy, insolent, and envious priest, who perplexed the simplicity of the faith, violated the peace of the church and state, and, by his artful and separate addresses to the wife and sister of Theodosius, presumed to suppose, or to scatter, the seeds of discord in the Imperial family. At the stern command of his sovereign, Cyril had repaired to Ephesus, where he was resisted, threatened, and confined, by the magistrates in the interest of Nestorius and the Orientals; who assembled the troops of Lydia and Ionia to suppress the fanatic and disorderly train of the patriarch. Without expecting the royal licence, he escaped from his guards, precipitately embarked, deserted the imperfect synod, and retired to his episcopal fortress of safety and independence. But his artful emissaries, both in the court and city, successfully laboured to appease the resentment, and to conciliate the favour, of the emperor. The feeble son of Arcadius was alternately swayed by his wife and sister, by the eunuchs and women of the palace; superstition and avarice were their ruling passions; and the orthodox chiefs were assiduous in their endeavours to alarm the former, and to gratify the latter. Constantinople and the suburbs were sanctified with frequent monasteries, and the holy abbots, Dalmatius and Eutyches†, had devoted their zeal and fidelity to the cause of Cyril, the worship of Mary, and the unity of Christ. From the first moment of their monastic life, they had never

* Ταραχην (says the emperor in pointed language) το γινωσκοντων και χωρισμενταις εκκλησιας ιμβιβληκας ως θρασυτερας ορμης τριπυσης μαλλον η ακριβειας και ποικιλιας μαλλον τωτων ημιν ακρυβους ηωρ απλοτητος πατος μαλλον η ιερως τα τι των εκκλησιων, τα τε των βασιλειων μιλλειν χωριζειν βαλεισθαι, ως εκ υσης αφορμης ιτιρας υδοκιμησις. I should be curious to know how much Nestorius paid for these expressions so mortifying to his rival.

† Eutyches, the heresiarch Eutyches, is honourably named by Cyril as a friend, a saint, and the strenuous defender of the faith. His brother, the abbot Dalmatius, is likewise employed to bind the emperor and all his chamberlains *terribili conjuratione*. Synodicon, c. 203. in Concil. tom. iv. p. 467.

mingled with the world, or trod the profane ground of the city. But in this awful moment of the danger of the church, their vow was superseded by a more sublime and indispensable duty. At the head of a long order of monks and hermits, who carried burning tapers in their hands, and chaunted litanies to the mother of God, they proceeded from their monasteries to the palace. The people was excited and inflamed by this extraordinary spectacle; and the trembling monarch listened to the prayers and ejaculations of the saints, who boldly pronounced, that none could hope for salvation, unless they embraced the person and the creed of the orthodox successor of Athanasius. At the same time every avenue of the throne was assaulted with gold. Under the decent names of *eulogies* and *benedictions*, the courtiers of both sexes were bribed according to the measure of their power and rapaciousness. But their incessant demands despoiled the sanctuaries of Constantinople and Alexandria; and the authority of the patriarch was unable to silence the just murmur of his clergy, that a debt of sixty thousand pounds had already been contracted to support the expence of this scandalous corruption*. Pulcheria, who relieved her brother from the weight of an empire, was the firmest pillar of orthodoxy; and so intimate was the alliance between the thunders of the synod and the whispers of the court, that Cyril was assured of success if he could displace one eunuch, and substitute another in the favour of Theodosius. Yet the Egyptian could not boast of a glorious or decisive victory. The emperor, with unaccustomed firmness, adhered to his promise of protecting the innocence of the Oriental bishops; and Cyril softened his anathemas, and confessed, with ambiguity and reluctance, a twofold nature of Christ, before he was permitted to satiate his revenge against the unfortunate Nestorius†.

* Clerici qui hic sunt contristantur, quod ecclesia Alexandrina nudata sit hujus causâ turbata: et debet præter illa quæ hinc transmissa sint *auri libras mille quingentas*. Et nunc ei scriptum est ut præster; sed de tuâ ecclesiâ præsta avaritiæ quorum nostri, &c. This curious and original letter, from Cyril's archdeacon to his creature the new bishop of Constantinople, has been unaccountably preserved in an old Latin version (Synodicon, c. 203. Concil. rom. iv. p. 465—466.). The mask is almost dropped, and the saints speak the honest language of interest and confederacy.

† The tedious negotiations that succeeded the synod of Ephesus are

The rash and obstinate Nestorius, before the end of the synod, was oppressed by Cyril, betrayed by the court, and faintly supported by his Eastern friends. A sentiment of fear or indignation prompted him, while it was yet time, to affect the glory of a voluntary abdication*: his wish, or at least his request, was readily granted; he was conducted with honour from Ephesus to his old monastery of Antioch; and, after a short pause, his successors, Maximian and Proclus, were acknowledged as the lawful bishops of Constantinople. But in the silence of his cell, the degraded patriarch could no longer resume the innocence and security of a private monk. The past he regretted, he was discontented with the present, and the future he had reason to dread: the Oriental bishops successively disengaged their cause from his unpopular name, and each day decreased the number of the schismatics who revered Nestorius as the confessor of the faith. After a residence at Antioch of four years, the hand of Theodosius subscribed an edict†, which ranked him with Simon the magician, proscribed his opinions and followers, condemned his writings to the flames, and banished his person first to Petra in Arabia, and at length to Oasis, one of the islands of the Libyan desert‡.

diffusely related in the original Acts (Concil. tom. iii. p. 1839—1771. ad fin. vol. and the Synodicon, in tom. iv.), Socrates (l. vii. c. 28. 35. 40, 41.), Evagrius (l. i. c. 6, 7, 8. 12.), Liberatus (c. 7—10.), Tillemont (Mem. Eccles. tom. xiv. p. 487—676. The most patient reader will thank me for compressing so much nonsense and falsehood in a few lines.

* *Αὐτὸς τε αὐθιγὲς ἐκείνου, ἐκίρακτο κατὰ τὸ οἰκίον ἐπαμύνησαι μοναστηρίου.* Evagrius, l. i. c. 7. The original letters in the Synodicon c. 15. 24, 25, 26.) justify the appearance of a voluntary resignation, which is asserted by Ebed-Jesu, a Nestorian writer, apud Asseman, Bibliot. Oriental. tom. iii. p. 299. 302.

† See the Imperial letters in the Acts of the Synod of Ephesus (Concil. tom. iii. p. 1730—1735.). The odious name of *Simonians*, which was affixed to the disciples of this *τεράτων διδασκαλίας*, was designed *ὡς ἐν οὐδασι προβληθῆντες αἰώνιος ὑπομινύειν τιμωρίαν τῶν ἀμαρτημάτων, καὶ μὴτε ζῶντας τιμωρίας, μὴτε θανόντας αἰτίας ἐκτὸς ὑπαρχύν.* Yet these were Christians! who differed only in names and shadows.

‡ The metaphor of islands is applied by the grave civilians (Pandect. l. xlviii. tit. 22. leg. 7.) to those happy spots which are discriminated by water and verdure from the Lybian sands. Three of these under the common name of Oasis, or *Alvabat*: 1. The temple of Jupiter Ammon. 2. The middle Oasis, three days' journey to the west of Lycopolis. 3. The southern, where Nestorius was banished, in the first climate, and only three days' journey from the confines of Nubia. See a learned Note of Michaelis (ad Descript. Egypt. Abulfedæ, p. 21—34.).

Secluded from the church and from the world, the exile was still pursued by the rage of bigotry and war. A wandering tribe of the Blemmyes or Nabians, invaded his solitary prison: in their retreat they dismissed a crowd of useless captives; but no sooner had Nestorius reached the banks of the Nile, than he would gladly have escaped from a Roman and orthodox city to the milder servitude of the savages. His flight was punished as a new crime; the soul of the patriarch inspired the civil and ecclesiastical powers of Egypt; the magistrates, the soldiers, the monks, devoutly tortured the enemy of Christ and St. Cyril; and, as far as the confines of Ethiopia, the heretic was alternately dragged and recalled, till his aged body was broken by the hardships and accidents of these reiterated journeys. Yet his mind was still independent and erect; the president of Thebais was awed by his pastoral letters; he survived the Catholic tyrant of Alexandria, and, after sixteen years' banishment, the synod of Chalcedon would perhaps have restored him to the honours, or at least to the communion, of the church. The death of Nestorius prevented his obedience to their welcome summons*; and his disease might afford some colour to the scandalous report, that his tongue, the organ of blasphemy, had been eaten by the worms. He was buried in the city of Upper Egypt, known by the names of Chemnis, or Panopolis, or Akmim†; but the immortal malice of the Jacobites has persevered for ages to cast stones against his sepulchre, and to propagate the foolish tradition, that it was never watered by the rain of

* The invitation of Nestorius to the synod of Chalcedon, is related by Zacharias, bishop of Melitene (Evagrius, l. ii. c. 2. Asseman. Biblioth. Orient. tom. ii. p. 55.), and the famous Xenaïos or Philoxenus, bishop of Hierapolis (Asseman. Biblioth. Orient. tom. ii. p. 40, &c.), denied by Evagrius and Asseman, and stoutly maintained by La Croze (Thesaur. Epistol. tom. iii. p. 181, &c.). The fact is not improbable; yet it was the interest of the Monophysites to spread the invidious report; and Eutychius (tom. ii. p. 12) affirms, that Nestorius died after an exile of seven years, and consequently ten years before the synod of Chalcedon.

† Consult d'Anville (*Memoire sur l'Egypte*, p. 191.), Pocock (*Description of the East*, vol. i. p. 76.), Abulieda (*Descript. Egypt.* p. 14.) and his commentator Michaelis (Not. p. 78—83.), and the Nubian Geographer (p. 42.), who mentions in the sixth century, the ruins and the sugar-canes of Akmim.

heaven, which equally descends on the righteous and the ungodly*. Humanity may drop a tear on the fate of Nestorius; yet justice must observe, that he suffered the persecution which he had approved and inflicted†.

The death of the Alexandrian primate, after a reign of thirty-two years, abandoned the Catholics to the intemperance of zeal and the abuse of victory‡. The *monophysite* doctrine (one incarnate nature) was rigorously preached in the churches of Egypt and the monasteries of the East; the primitive creed of Apollinaris was protected by the sanctity of Cyril; and the name of EUTYCHES, his venerable friend, has been applied to the sect most adverse to the Syrian heresy of Nestorius. His rival Eutyches was the abbot, or archimandrite, or superior of three hundred monks, but the opinions of a simple and illiterate recluse might have expired in the cell, where he had slept above seventy years, if the resentment or indiscretion of Flavian, the Byzantine pontiff, had not exposed the scandal to the eyes of the Christian world. His domestic synod was instantly convened, their proceedings were sullied with clamour and artifice, and the aged heretic was surprised into a seeming confession, that Christ had not derived his body from the substance of the Virgin Mary. From their partial decree, Eutyches appealed to a general council; and his cause was vigorously asserted by his godson Chrysaphius, the reigning eunuch of the palace, and his accomplice Dioscorus, who had succeeded to the throne, the creed, the talents, and the vices of the nephew of Theophilus. By the special summons of Theodosius, the second synod of Ephesus was

* Eutychius (Annal. tom. ii. p. 12.) and Gregory Bar-Hebraeus, or Abulpharagius (Asseman. tom. ii. p. 316.) represent the credulity of the xth and xiiith centuries.

† We are obliged to Evagrius (l. i. c. 7.) for some extracts from the letters of Nestorius; but the lively picture of his sufferings is treated with insult by the hard and stupid fanatic.

‡ Dixi Cyrillum dum viveret, auctoritate suâ effecisse, ne Eutychianismus et Monophysitarum error in nervum erumperet: idque verum puto . . . aliquo . . . honesto modo *παλινομιαν* cecinerat. The learned but cautious Jablonski did not always speak the whole truth. Cum Cyrillus lepius omnino egi, quam si tecum aut cum aliis rei hujus probe chartis et aequis rerum estimatoribus sermones privatos conferrem. (Thesaur. Epistol. La Cœdian, tom. i. p. 197, 198.), an excellent key to his dissertations on the Nestorian controversy!

judiciously composed of ten metropolitans and ten bishops from each of the six dioceses of the Eastern empire: some exceptions of favour or merit enlarged the number to one hundred and thirty-five; and the Syrian Barsumas, as the chief and representative of the monks, was invited to sit and vote with the successors of the apostles. But the despotism of the Alexandrian patriarch again oppressed the freedom of debate: the same spiritual and carnal weapons were again drawn from the arsenals of Egypt; the Asiatic veterans, a band of archers, served under the orders of Dioscorus; and the more formidable monks, whose minds were inaccessible to reason or mercy, besieged the doors of the cathedral. The general, and, as it should seem, the unconstrained voice of the fathers, accepted the faith and even the anathemas of Cyril; and the heresy of the two natures was formerly condemned in the persons and writings of the most learned Orientals. "May those who divide Christ, be divided with the sword, may they be hewn in pieces, may they be burnt alive!" were the charitable wishes of a Christian synod*. The innocence and sanctity of Eutyches were acknowledged without hesitation; but the prelates, more especially those of Thrace and Asia, were unwilling to depose their patriarch for the use or even the abuse of his lawful jurisdiction. They embraced the knees of Dioscorus, as he stood with a threatening aspect on the footstool of his throne, and conjured him to forgive the offences, and to respect the dignity, of his brother. "Do you mean to raise a sedition?" exclaimed the relentless tyrant. "Where are the officers?" At these words a furious multitude of monks and soldiers, with staves, and swords, and chains, burst into the church; the trembling bishops hid themselves behind the altar, or under the benches, and as they were not inspired with the zeal of martyrdom, they successively subscribed a blank paper, which was afterwards

* *Ἡ αἰγυπτιακή συνέδος, αὐτοὶ καὶ οἱ κληρικοὶ Εὐσεβίου, ὅσοι ζῶντες καὶ ἔτι αἰσθύνοντο, οἱ ἑκατὸν πενήντη . . . ἡ τις λαγὺ δύο ἀνέβηκεν. At the request of Dioscorus, those who were not able to roar (*βόρῃ*), stretched out their hands. At Chalcedon, the Orientals disclaimed these exclamations; but the Egyptians more consistently declared ταῦτα καὶ, τοῖς ἑκατὸν πενήντη λαγόντες (Concil. tom. iv. p. 1012.).*

filled with the condemnation of the Byzantine pontiff. Flavian was instantly delivered to the wild beasts of this spiritual amphitheatre: the monks were stimulated by the voice and example of Barsumas to avenge the injuries of Christ: it is said that the patriarch of Alexandria reviled, and buffeted, and kicked, and trampled his brother of Constantinople*: it is certain, that the victim, before he could reach the place of his exile, expired on the third day, of the wounds and bruises which he had received at Ephesus. This second synod has been justly branded as a gang of robbers and assassins; yet the accusers of Dioscorus would magnify his violence, to alleviate the cowardice and inconstancy of their own behaviour.

The faith of Egypt had prevailed: but the vanquished party was supported by the same pope who encountered without fear the hostile rage of Attila and Genseric. The theology of Leo, his famous *tome* or epistle on the mystery of the incarnation, had been disregarded by the synod of Ephesus: his authority, and that of the Latin church, was insulted in his legates, who escaped from slavery and death to relate the melancholy tale of the tyranny of Dioscorus and the martyrdom of Flavian. His provincial synod annulled the irregular proceedings of Ephesus; but as this step was itself irregular, he solicited the convocation of a general council in the free and orthodox provinces of Italy. From his independent throne, the Roman bishop spoke and acted without danger, as the head of the Christians, and his dictates were obsequiously transcribed by Placidia and her son Valentinian; who addressed their Eastern colleague to restore the peace and unity of the church. But the pageant of Oriental royalty was moved with equal dexterity by the hand of the eunuch; and Theodosius could pro-

* Εὐαγριε δὲ (Eusebius, bishop of Dorylæum) τοὺς Φλαβιανὸν καὶ Δαλιανὸν ἀναιρέθηναι πρὸς Διοσκορὸν ὠθούμενον τε καὶ λατρίζοντα: and this testimony of Evagrius (l. ii. c. 2.) is amplified by the historian Zonaras (tom. ii. l. xiii. p. 44.), who affirms that Dioscorus kicked like a wild ass. But the language of Liberatus (Brev. c. 12. in Concil. tom. vi. p. 435.) is more cautious; and the acts of Chalcedon, which lavish the names of homicide, Cain, &c. do not justify so pointed a charge. The monk Barsumas is more particularly accused—σφοδρὰ ἐν μοναχῶν φθονῶν αὐτοῦ ἔθηκε καὶ ἀλγύς, σφεζών. (Concil. tom. iv. p. 1413.)

nounce, without hesitation, that the church was already peaceful and triumphant, and that the recent flame had been extinguished by the just punishment of the Nestorians. Perhaps the Greeks would be still involved in the heresy of the Monophysites, if the emperor's horse had not fortunately stumbled; Theodosius expired; his orthodox sister, Pulcheria, with a nominal husband, succeeded to the throne; Chrysaphius was burnt, Dioscorus was disgraced, the exiles were recalled, and the *tome* of Leo was subscribed by the Oriental bishops. Yet the pope was disappointed in his favourite project of a Latin council: he disdained to preside in the Greek synod, which was speedily assembled at Nice in Bithynia; his legates required in a peremptory tone the presence of the emperor; and the weary fathers were transported to Chalcedon under the immediate eye of Marcian and the senate of Constantinople. A quarter of a mile from the Thracian Bosphorus, the church of St. Euphemia was built on the summit of a gentle though lofty ascent: the triple structure was celebrated as a prodigy of art, and the boundless prospect of the land and sea might have raised the mind of a sectary to the contemplation of the God of the universe. Six hundred and thirty bishops were ranged in order in the nave of the church; but the patriarchs of the East were preceded by the legates, of whom the third was a simple priest; and the place of honour was reserved for twenty laymen of consular or senatorian rank. The gospel was ostentatiously displayed in the centre, but the rule of faith was defined by the Papal and Imperial ministers, who moderated the thirteen sessions of the council of Chalcedon*. Their partial interposition silenced the intemperate shouts and execrations, which degraded the episcopal gravity; but, on the formal accusation of the

* The Acts of the Council of Chalcedon (Concil. tom. iv. p. 761—2071.) comprehend those of Ephesus (p. 890—1189.); which again comprise the synod of Constantinople under Flavian (p. 980—1072.); and it requires some attention to disengage this double involution. The whole business of Eutyches, Flavian, and Dioscorus, is related by Evagrius (L. i. c. 9—12. and L. ii. c. 1, 2, 3, 4.) and Liberatus (Brev. c. 11, 12, 13, 14.). Once more, and almost for the last time, I appeal to the diligence of Tillemont (Mém. Eccles. tom. xv. p. 479—719.). The annals of Baronius and Pagi will accompany me much further on my long and laborious journey.

legates, Dioscorus was compelled to descend from his throne to the rank of a criminal, already condemned in the opinion of his judges. The Orientals, less adverse to Nestorius than to Cyril, accepted the Romans as their deliverers: Thrace, and Pontus, and Asia, were exasperated against the murderer of Flavian, and the new patriarchs of Constantinople and Antioch secured their places by the sacrifice of their benefactor. The bishops of Palestine, Macedonia, and Greece, were attached to the faith of Cyril; but in the face of the synod, in the heat of the battle, the leaders, with their obsequious train, passed from the right to the left wing, and decided the victory by this seasonable desertion. Of the seventeen suffragans who sailed from Alexandria, four were tempted from their allegiance, and the thirteen, falling prostrate on the ground, implored the mercy of the council, with sighs and tears, and a pathetic declaration, that, if they yielded, they should be massacred, on their return to Egypt, by the indignant people. A tardy repentance was allowed to expiate the guilt or error of the accomplices of Dioscorus: but their sins were accumulated on his head; he neither asked nor hoped for pardon, and the moderation of those who pleaded for a general amnesty, was drowned in the prevailing cry of victory and revenge. To save the reputation of his late adherents, some *personal* offences were skilfully detected; his rash and illegal excommunication of the pope, and his contumacious refusal (while he was detained, a prisoner) to attend the summons of the synod. Witnesses were introduced to prove the special facts of his pride, avarice, and cruelty; and the fathers heard with abhorrence, that the alms of the church were lavished on the female dancers, that his palace, and even his bath, was open to the prostitutes of Alexandria, and that the infamous Pansophia, or Irene, was publicly entertained as the concubine of the patriarch*.

* Μαλιστα ἡ περιβόητος Πανσοφία ἢ καλεσθεῖσα Ὁρσίνη (perhaps Εἰρήνη), περὶ ἧς καὶ ὁ πολυαθροῦς τῆς Ἀλεξανδρινῆς δῆμος ἀφῆκε φωνὴν αὐτῆς, ὅτι καὶ τυτραγὴ μισητῆς (Concil. tom. iv. p. 1276.). A specimen of the wit and malice of the people is preserved in the Greek Anthology (l. ii. c. 5. p. 188. edit. Wechel), although the application was unknown to the

For these scandalous offences Dioscorus was deposed by the synod, and banished by the emperor; but the purity of his faith was declared in the presence, and with the tacit approbation, of the fathers. Their prudence supposed rather than pronounced the heresy of Eutyches, who was never summoned before their tribunal; and they sat silent and abashed, when a bold Monophysite, casting at their feet a volume of Cyril, challenged them to anathematize in his person the doctrine of the saint. If we fairly peruse the acts of Chalcedon as they are recorded by the orthodox party*, we shall find that a great majority of the bishops embraced the simple unity of Christ; and the ambiguous concession, that he was formed OF OR FROM two natures, might imply either their previous existence, or their subsequent confusion, or some dangerous interval between the conception of the man and the assumption of the God. The Roman theology, more positive and precise, adopted the term most offensive to the ears of the Egyptians, that Christ existed IN two natures; and this momentous particle† (which the memory, rather than the understanding, must retain) had almost produced a schism among the Catholic bishops. The *tome* of Leo had been respectfully,

editor Brodæus. The nameless epigrammatist raises a tolerable pun, by confounding the episcopal salutation of "Peace be to all!" with the genuine or corrupted name of the bishop's concubine:

Εἰρηὴν παντίσιν ἐπισκοπὸς ἵπτιν ἐπιλέγει,
Πῶς δύναται πᾶσιν ἢ μοῖρος ἰδοῖν ἔχει;

I am ignorant whether the patriarch, who seems to have been a jealous lover, is the Cimon of a preceding epigram, whose πῖος ἑταῖρος was viewed with envy and wonder by Priapus himself.

* Those who reverence the infallibility of synods, may try to ascertain their sense. The leading bishops were attended by partial or careless scribes, who dispersed their copies round the world. Our Greek MSS. are sullied with the false and proscribed reading of *ex τῶν φύσιν* (Concil. tom. iii. p. 1460.): the authentic translation of pope Leo I. does not seem to have been executed; and the old Latin versions materially differ from the present vulgate, which was revised (A.D. 550.) by Rusticus, a Roman priest, from the best MSS. of the *Ἀπομνηστον* at Constantinople (Ducange, C. P. Christiana, i. iv. p. 151.), a famous monastery of Latins, Greeks, and Syrians. See Concil. tom. iv. p. 1959—2040. and Pagi, Critica, tom. ii. p. 336, 337.

† It is darkly represented in the microscope of Petavius (tom. v. l. iii. c. 5.); yet the subtle theologian is himself afraid—he quis fortasse supervacaneam, et nimis anxiam putet hujusmodi vocularum inquisitionem, et ab instituti theologi gravitate alienam (p. 124.).

HISTORY OF THE DECLINE AND FALL

perhaps sincerely, subscribed: but they protested, in two successive debates, that it was neither expedient nor lawful to transgress the sacred landmarks which had been fixed at Nice, Constantinople and Ephesus, according to the rule of scripture and tradition. At length they yielded to the importunities of their masters, but their infallible decree, after it had been ratified with deliberate votes and vehement acclamations, was overturned in the next session by the opposition of the legates and their Oriental friends. It was in vain that a multitude of episcopal voices repeated in chorus, "The definition of the fathers is orthodox and immutable! The heretics are now discovered! Anathema to the Nestorians! Let them depart from the synod! Let them repair to Rome*!" The legates threatened, the emperor was absolute, and a committee of eighteen bishops prepared a new decree, which was imposed on the reluctant assembly. In the name of the fourth general council, the Christ in one person, but in two natures, was announced to the catholic world: an invisible line was drawn between the heresy of Apollinaris and the faith of St. Cyril; and the road to paradise, a bridge as sharp as a razor, was suspended over the abyss by the master-hand of the theological artist. During ten centuries of blindness and servitude, Europe received her religious opinions from the oracle of the Vatican; and the same doctrine, already varnished with the rust of antiquity, was admitted without dispute into the creed of the reformers, who disclaimed the supremacy of the Roman pontiff. The synod of Chalcedon still triumphs in the protestant churches; but the ferment of controversy has subsided, and the most pious Christians of the present day are ignorant or careless of their own belief concerning the mystery of the incarnation.

Far different was the temper of the Greeks and Egyptians under the orthodox reigns of Leo and Marcian. Those pious emperors enforced with arms and edicts the symbol of

* Εβόησαν ἢ ὁ ὅρος κρατεῖται ἢ ὑπερχομεῖται . . . οἱ ἀντιλαγοῦντες φανερὸν γίνονται, οἱ ἀντιλαγοῦντες Νιστοριανοὶ εἰσι, οἱ ἀντιλαγοῦντες ἐν Ρώμῃ ἀληθεύουσιν (Concil. tom. iv. p. 1449.). Evagrius and Liberatus present only the placid face of the synod, and discreetly slide over these embarras suppositis cinere doloso.

their faith*; and it was declared by the conscience and honour of five hundred bishops, that the decrees of the synod of Calcedon might be lawfully supported, even with blood. The Catholics observed with satisfaction, that the same synod was odious both to the Nestorians and the Monophysites†; but the Nestorians were less angry, or less powerful, and the East was distracted by the obstinate and sanguinary zeal of the Monophysites. Jerusalem was occupied by an army of monks; in the name of the one incarnate nature, they pillaged, they burnt, they murdered; the sepulchre of Christ was defiled with blood; and the gates of the city were guarded in tumultuous rebellion against the troops of the emperor. After the disgrace and exile of Dioscorus, the Egyptians still regretted their spiritual father; and detested the usurpation of his successor, who was introduced by the fathers of Calcedon. The throne of Proterius was supported by a guard of two thousand soldiers; he waged a five years war against the people of Alexandria; and on the first intelligence of the death of Marcian, he became the victim of their zeal. On the third day before the festival of Easter, the patriarch was besieged in the cathedral, and murdered in the baptistery. The remains of his mangled corpse were delivered to the flames, and his ashes to the wind: and the deed was inspired by the vision of a pretended angel; an ambitious monk, who, under the name of Timothy the Cat‡,

* See in the Appendix to the Acts of Chalcedon, the confirmation of the synod by Marcian (Concil. tom. iv. p. 1781. 1783.); his letters to the monks of Alexandria (p. 1791.), of Mount Sinai (p. 1793.), of Jerusalem and Palestine (p. 1798.); his laws against the Eutychians (p. 1809. 1811. 1831.); the correspondence of Leo with the provincial synods on the revolution of Alexandria (p. 1835—1930.).

† Photius (or rather Eulogius of Alexandria) confesses, in a fine passage, the specious colour of this double charge against pope Leo and his synod of Chalcedon (Bibliot. cod. ccxxv. p. 768.). He waged a double war against the enemies of the church, and wounded either foe with the darts of his adversary—καταλληλοῖς βίβλοις τῆς ἀντιπάλῃς ἐκτρέψεως. Against Nestorius he seemed to introduce the συγχωρῆς of the Monophysites: against Eutyches he appeared to countenance the ὑποκαταστάσεως of the Nestorians. The apologist claims a charitable interpretation for the saints: if the same had been extended to the heretics, the sound of the controversy would have been lost in the air.

‡ Αἰλῆγος from his nocturnal expeditions. In darkness and disguise he crept round the cells of the monastery, and whispered the revelation to his slumbering brethren (Theodor. Lector, l. 1.).

succeeded to the place and opinions of Dioscorus. This deadly superstition was inflamed, on either side, by the principle and the practice of retaliation: in the pursuit of a metaphysical quarrel, many thousands* were slain, and the Christians of every degree were deprived of the substantial enjoyments of social life, and of the invisible gifts of baptism and the holy communion. Perhaps an extravagant fable of the times may conceal an allegorical picture of these fanatics, who tortured each other, and themselves. "Under the consulship of Venantius and Celer," says a grave bishop, "the people of Alexandria, and all Egypt, were seized with a strange and diabolical frenzy: great and small, slaves and freedmen, monks and clergy, the natives of the land, who opposed the synod of Calcedon, lost their speech and reason, barked like dogs, and tore, with their own teeth, the flesh from their hands and arms†."

The disorders of thirty years at length produced the famous HENOTICON‡ of the emperor Zeno, which in his reign, and in that of Anastasius, was signed by all the bishops of the East, under the penalty of degradation and exile, if they rejected or infringed this salutary and fundamental law. The clergy may smile or groan at the presumption of a layman who defines the articles of faith; yet if he stoops to the humiliating task, his mind is less infected by prejudice or interest, and the authority of the magistrate can only be maintained by the concord of the people. It is in ecclesiastical story, that Zeno appears least contemptible; and I am not able to discern any Manichæan or Eutychian guilt in the generous saying of Anastasius, That it was unworthy of an emperor to persecute the worshippers of Christ and the citi-

* Φοβὸς τε τολμηθῆναι μυρίας, αἱμάτων πληθεὶς μολυνθῆναι μὴ μόνον τὴν γῆν ἀλλὰ καὶ αὐτοὺς τοὺς αἵμα. Such is the hyperbolic language of the Henoticon.

† See the Chronicle of Victor Tunnunensis, in the *Lectiones Antiquæ* of Canisius, republished by Basnage, tom. i. p. 828.

‡ The Henoticon is transcribed by Evagrius (l. iii. c. 13.), and translated by Liberatus (Brev. c. 18.). Pagi Critica, tom. ii. p. 411.) and Asseman (Bibliot. Orient. tom. i. p. 343.) are satisfied that it is free from heresy; but Petavius (Dogmat. Theolog. tom. v. l. 1. c. 18. p. 40.) most unaccountably affirms Chalcedonensem ascivit. An adversary would prove that he had never read the Henoticon.

gens of Rome. The Henoticon was most pleasing to the Egyptians; yet the smallest blemish has not been described by the jealous, and even jaundiced, eyes of our orthodox schoolmen, and it accurately represents the Catholic faith of the incarnation, without adopting or disclaiming the peculiar terms or tenets of the hostile sects. A solemn anathema is pronounced against Nestorius and Eutyches; against all heretics by whom Christ is divided, or confounded, or reduced to a phantom. Without defining the number or the article of the word *nature*, the pure system of St. Cyril, the faith of Nice, Constantinople, and Ephesus, is respectfully confirmed; but, instead of bowing at the name of the fourth council, the subject is dismissed by the censure of all contrary doctrines, if any such have been taught either elsewhere or at Chalcedon. Under this ambiguous expression, the friends and the enemies of the last synod might unite in a silent embrace. The most reasonable Christians acquiesced in this mode of toleration; but their reason was feeble and inconstant, and their obedience was despised as timid and servile by the vehement spirit of their brethren. On a subject which engrossed the thoughts and discourses of men, it was difficult to preserve an exact neutrality: a book, a sermon, a prayer, rekindled the flame of controversy; and the bonds of communion were alternately broken and renewed by the private animosity of the bishops. The space between Nestorius and Eutyches was filled by a thousand shades of language and opinion; the *acephali** of Egypt, and the Roman pontiffs, of equal valour, though of unequal strength, may be found at the two extremities of the theological scale. The acephali, without a king or a bishop, were separated above three hundred years from the patriarchs of Alexandria, who had accepted the communion of Constantinople, without exacting a formal condemnation of the synod of Chalcedon. For accepting the communion of Alexandria, without a formal approbation of the same synod, the patriarchs of Constantinople

* See Renaudot (Hist. Patriarch. Alex. p. 123. 131. 145. 195. 247.). They were reconciled by the care of Mark I. (A. D. 790—819.): he promoted their chiefs to the bishoprics of Athribis and Talla (perhaps Tava. See d'Anville, p. 82.), and supplied the sacraments, which had failed for want of an episcopal ordination.

were anathematised by the popes. Their inflexible despotism involved the most orthodox of the Greek churches in this spiritual contagion, denied or doubted the validity of their sacraments*, and fomented, thirty-five years, the schism of the East and West, till they finally abolished the memory of four Byzantine pontiffs, who had dared to oppose the supremacy of St. Peter†. Before that period, the precarious truce of Constantinople and Egypt had been violated by the zeal of the rival prelates. Macedonius, who was suspected of the Nestorian heresy, asserted in disgrace and exile, the synod of Chalcedon, while the successor of Cyril would have purchased its overthrow with a bribe of two thousand pounds of gold.

* In the fever of the times, the sense, or rather the sound, of a syllable, was sufficient to disturb the peace of an empire. The TRISAGION‡ (thrice holy), “Holy, holy, holy, Lord God of Hosts!” is supposed by the Greeks to be the identical hymn which the angels and cherubim eternally repeat before the throne of God, and which, about the middle of the fifth century, was miraculously revealed to the church of Constantinople. The devotion of Antioch soon added, “who was crucified for us!” and this grateful address, either to Christ alone, or to the whole Trinity, may be justified by the rules of theology, and has been gradually adopted by the

* De his quos baptizavit, quos ordinavit Acacius, majorum traditione confectam et veram, præcipue religiosæ sollicitudini congruam præbemus sine difficultate medicinam (Galasius, in epist. i. ad Euphemium, Concil. tom. v. p. 286.). The offer of a medicine proves the disease, and numbers must have perished before the arrival of the Roman physician. Tillemont himself (Mem. Eccles. tom. xvi. p. 372. 642, &c.) is shocked at the proud uncharitable temper of the popes: they are now glad, says he, to invoke St. Flavian of Antioch, St. Elias of Jerusalem, &c. to whom they refused communion whilst upon earth. But cardinal Baronius is firm and hard as the rock of St. Peter.

† Their names were erased from the diptych of the church; ex venerabili diptycho, in quo pie memorizæ transitum ad cælum habentium episcoporum vocabula continentur (Concil. tom. iv. p. 1846.). This ecclesiastical record was therefore equivalent to the book of life.

‡ Petavius (Dogmat. Theolog. tom. v. l. v. c. 2, 3, 4. p. 217—225.) and Tillemont (Mem. Eccles. tom. xiv. p. 713, &c. 799.) represent the history and doctrine of the Trisagion. In the twelve centuries between Isaiah and St. Proclus's boy, who was taken up into heaven, before the bishop and people of Constantinople, the song was considerably improved. The boy heard the angels sing “Holy God! Holy strong! Holy immortal!”

Catholics of the East and West. But it had been imagined by a Monophysite bishop * ; the gift of an enemy was at first rejected as a dire and dangerous blasphemy, and the rash innovation had nearly cost the emperor Anastasius his throne and his life †. The people of Constantinople was devoid of any rational principles of freedom ; but they held, as a lawful cause of rebellion, the colour of a livery in the races, or the colour of a mystery in the schools. The Trisagion, with and without this obnoxious addition, was chaunted in the cathedral by two adverse choirs, and, when their lungs were exhausted, they had recourse to the more solid arguments of sticks and stones : the aggressors were punished by the emperor, and defended by the patriarch ; and the crown and mitre were staked on the event of this momentous quarrel. The streets were instantly crowded with innumerable swarms of men, women, and children ; the legions of monks, in regular array, marched, and shouted, and fought at their head, “ Christians ! this is the day of martyrdom ; let us not desert our spiritual father ; anathema to the Manichæan tyrant ; he is unworthy to reign.” Such was the Catholic cry ; and the galleys of Anastasius lay upon their oars before the palace, till the patriarch had pardoned his penitent, and hushed the waves of the troubled multitude. The triumph of Macedonius was checked by a speedy exile ; but the zeal of his flock was again exasperated by the same question, “ Whether one of the Trinity had been crucified ? ” On this momentous occasion, the blue and green factions of Constantinople suspended their discord, and the civil and military powers were annihilated in their presence. The keys of the city, and the standards of the guards, were deposited in the forum of Constantine, the principal station and camp of the faithful. Day and night they were incessantly busied either in singing hymns to the honour of their God, or in

* Peter Gnapheus, the fuller (a trade which he had exercised in his monastery), patriarch of Antioch. His tedious story is discussed in the *Annals of Pagi* (A. D. 477—490.) and a dissertation of M. de Valois at the end of his *Evagrius*.

† The troubles under the reign of Anastasius must be gathered from the chronicles of Victor, Marcellinus, and Theophanes. As the last was not published in the time of Baronius, his critic Pagi is more copious, as well as more correct.

pillaging and murdering the servants of their prince. The head of his favourite monk, the friend, as they styled him, of the enemy of the Holy Trinity, was borne aloft on a spear; and the firebrands, which had been darted against heretical structures, diffused the undistinguishing flames over the most orthodox buildings. The statues of the emperor were broken, and his person was concealed in a suburb, till, at the end of three days, he dared to implore the mercy of his subjects. Without his diadem, and in the posture of a suppliant, Anastasius appeared on the throne of the circus. The Catholics, before his face, rehearsed their genuine Trisagion; they exulted in the offer which he proclaimed by the voice of a herald, of abdicating the purple; they listened to the admonition, that, since *all* could not reign, they should previously agree in the choice of a sovereign; and they accepted the blood of two unpopular ministers, whom their master, without hesitation, condemned to the lions. These furious but transient seditions were encouraged by the success of Vitalian, who, with an army of Huns and Bulgarians, for the most part idolaters, declared himself the champion of the Catholic faith. In this pious rebellion he depopulated Thrace, besieged Constantinople, exterminated sixty-five thousand of his fellow-Christians, till he obtained the recall of the bishops, the satisfaction of the pope, and the establishment of the council of Chalcedon, an orthodox treaty, reluctantly signed by the dying Anastasius, and more faithfully performed by the uncle of Justinian. And such was the event of the *first* religious wars, which have been waged in the name, and by the disciples of the God of Peace*.

* Justinian has been already seen in the various lights of a prince, a conqueror, and a lawgiver: the theologian † still

* The general history, from the council of Chalcedon to the death of Anastasius, may be found in the Breviary of Liberatus (c. 14—19.), the iiid and iiid books of Evagrius, the Abstract of the two books of Theodoric the Reader, the Acts of the Synods, and the Epistles of the Popes (Concil. tom. v.). The series is continued with some disorder in the xvth and xvth tomes of the *Memoires Ecclesiastiques* of Tillemont. And here I must take leave for ever of that incomparable guide—whose bigotry is overbalanced by the merits of erudition, diligence, veracity, and scrupulous minuteness. He was prevented by death from completing, as he designed, the vith century of the church and empire.

† The strain of the *Anecdotes* of Procopius (c. 11. 18. 27, 28.), with

remains, and it affords an unfavourable prejudice, that his theology should form a very prominent feature of his portrait. The sovereign sympathised with his subjects in their superstitious reverence for living and departed saints: his Code, and more especially his Novels, confirm and enlarge the privileges of the clergy; and in every dispute between a monk and a layman, the partial judge was inclined to pronounce, that truth, and innocence, and justice, were always on the side of the church. In his public and private devotions, the emperor was assiduous and exemplary; his prayers, vigils, and fasts, displayed the austere penance of a monk; his fancy was amused by the hope, or belief, of personal inspiration; he had secured the patronage of the Virgin and St. Michael the archangel; and his recovery from a dangerous disease was ascribed to the miraculous succour of the holy martyrs Cosmas and Damian. The capital and the provinces of the East were decorated with the monuments of his religion*; and, though the far greater part of these costly structures may be attributed to his taste or ostentation, the zeal of the royal architect was probably quickened by a genuine sense of love and gratitude towards his invisible benefactors. Among the titles of Imperial greatness, the name of *Pious* was most pleasing to his ear; to promote the temporal and spiritual interest of the church, was the serious business of his life; and the duty of father of his country was often sacrificed to that of defender of the faith. The controversies of the times were congenial to his temper and understanding; and the theological professors must inwardly deride the diligence of a stranger, who cultivated their art, and neglected his own. "What can ye fear," said a bold conspirator to his associates, "from your bigoted tyrant? Sleepless and unarmed he sits whole nights in his closet, debating with reverend grey-beards, and turning over the pages of ecclesiastical volumes†." The fruits of these lucubrations were displayed

the learned remarks of Alemannus, is confirmed, rather than contradicted, by the Acts of the Councils, the fourth book of Evagrius, and the complaints of the African Facundus in his xiith book—*de tribus capitulis, "cum videri doctus appetit importune . . . spontaneis questionibus ecclesiam, turbat."* See Procop. de Bell. Goth. l. iii. c. 35.

* Procop. de Edificiis, l. i. c. 6, 7, &c. passim.

† 'Ο; δὲ καθήλαι ἀφυλακὸς ἐς αὐτὸν ἐπὶ λίσσης τινος ἀωροῦ, νυκτὶν ὅμω τοῖς

'n many a conference, where Justinian might shine as the loudest and most subtle of the disputants, in many a sermon, which, under the name of edicts and epistles, proclaimed to the empire the theology of their master. While the Barbarians invaded the provinces, while the victorious legions marched under the banners of Belisarius and Narses, the successor of Trajan, unknown to the camp, was content to vanquish at the head of a synod. Had he invited to these synods a disinterested and rational spectator, Justinian might have learned, "*that religious controversy is the offspring of arrogance and folly; that true piety is most laudably expressed by silence and submission; that man, ignorant of his own nature, should not presume to scrutinise the nature of his God; and, that it is sufficient for us to know, that power and benevolence are the perfect attributes of the Deity* *."

Toleration was not the virtue of the times, and indulgence to rebels has seldom been the virtue of princes. But when the prince descends to the narrow and peevish character of a disputant, he is easily provoked to supply the defect of argument by the plenitude of power, and to chastise without mercy the perverse blindness of those who wilfully shut their eyes against the light of demonstration. The reign of Justinian was an uniform, yet various scene of persecution; and he appears to have surpassed his indolent predecessors, both in the contrivance of his laws and the rigour of their execution. The insufficient term of three months was assigned for the conversion or exile of all heretics†; and if

τὸν ἱερὸν γερμὸν ἀσχετὸν ἀπαυκλιν τὰ Χριστιανὰ λόγια σπᾶντες ἔχον.
Procop. de Bell. Goth. l. iii. c. 32. In the life of St. Eutychius (apud Alemann. ad Procop. Arcan. c. 18.) the same character is given with a design to praise Justinian.

* For these wise and moderate sentiments, Procopius (de Bell. Goth. l. i. c. 3.) is scourged in the preface of Alemannus, who ranks him among the *political* Christians—sed longe verius hæresum omnium sentinas, prorsusque Atheos—abominable Atheists, who preached the imitation of God's mercy to man (ad Hist. Arcan. c. 13.).

† This alternative, a precious circumstance, is preserved by John Malala (tom. ii. p. 63. edit. Venet. 1753), who deserves more credit as he draws towards his end. After numbering the heretics, Nestorians, Eutychians, &c. ne expectent, says Justinian, ut digni venia judicentur: jubemus enim ut . . . convicti et aperti hæretici justæ et idoneæ animadversioni subjiciantur. Baronius copies and applauds this edict of the Code (A. D. 527, No. 59, 40.).

he still connived at their precarious stay, they were deprived, under his iron yoke, not only of the benefits of society, but of the common birth-right of men and Christians. At the end of four hundred years, the Montanists of Phrygia* still breathed the wild enthusiasm of perfection and prophecy, which they had imbibed from their male and female apostles, the special organs of the Paraclete. On the approach of the Catholic priests and soldiers, they grasped with alacrity the crown of martyrdom; the conventicle and the congregation perished in the flames, but these primitive fanatics were not extinguished three hundred years after the death of their tyrant. Under the protection of the Gothic confederates, the church of the Arians at Constantinople had braved the severity of the law; their clergy equalled the wealth and magnificence of the senate; and the gold and silver which were seized by the rapacious hand of Justinian might perhaps be claimed as the spoils of the provinces and the trophies of the Barbarians. A secret remnant of Pagans, who still lurked in the most refined and the most rustic conditions of mankind, excited the indignation of the Christians, who were perhaps unwilling that any strangers should be the witnesses of their intestine quarrels. A bishop was named as the inquisitor of the faith, and his diligence soon discovered in the court and city, the magistrates, lawyers, physicians, and sophists, who still cherished the superstition of the Greeks. They were sternly informed that they must chuse without delay between the displeasure of Jupiter or Justinian, and that their aversion to the gospel could no longer be disguised under the scandalous mask of indifference or impiety. The patrician Photius perhaps alone was resolved to live and to die like his ancestors: he enfranchised himself with the stroke of a dagger, and left his tyrant the poor consolation of exposing with ignominy the lifeless corpse of the fugitive. His weaker brethren submitted to their earthly monarch, underwent the ceremony of baptism, and laboured, by their extraordinary zeal, to erase the suspicion, or to expiate the guilt, of idolatry. The native country of Homer, and the

* See the character and principles of the Montanists, in Mosheim, de Rebus Christ. ante Constantinum, p. 410—434.

theatre of the Trojan war, still retained the last sparks of his mythology: by the care of the same bishop, seventy thousand Pagans were detected and converted in Asia, Phrygia, Lydia, and Caria; ninety-six churches were built for the new proselytes; and linen vestments, bibles, and liturgies, and vases of gold and silver, were supplied by the pious munificence of Justinian*. The Jews, who had been gradually stripped of their immunities, were oppressed by a vexatious law, which compelled them to observe the festival of Easter the same day on which it was celebrated by the Christians†. And they might complain with the more reason, since the Catholics themselves did not agree with the astronomical calculations of their sovereign: the people of Constantinople delayed the beginning of their Lent a whole week after it had been ordained by authority; and they had the pleasure of fasting seven days, while meat was exposed for sale by the command of the emperor. The Samaritans of Palestine‡ were a motly race, an ambiguous sect, rejected as Jews by the Pagans, by the Jews as schismatics, and by the Christians as Idolaters. The abomination of the cross had already been planted on their holy mount of Garizim§, but the persecution of Justinian offered only the alternative of baptism or rebellion. They chose the latter: under the standard of a desperate leader, they rose in arms, and retaliated their wrongs on the lives, the property, and the temples of a defenceless people. The Samaritans were finally subdued by the regular forces of the

* Theophan. Chron. p. 153. John de Monophysite bishop of Asia, is a more authentic witness of this transaction, in which he was himself employed by the emperor (*Asseman. Bib. Orient. tom. ii. p. 85*).

† Compare Procopius (*Hist. Arcan. c. 28.* and *Aleman's Notes*) with Theophanes (*Chron. p. 190.*). The council of Nice has entrusted the patriarch, or rather the astronomers, of Alexandria, with the annual proclamation of Easter; and we still read, or rather we do not read, many of the Paschal epistles of St. Cyril. Since the reign of Monophysitism in Egypt, the Catholics were perplexed by such a foolish prejudice as that which so long opposed, among the Protestants, the reception of the Gregorian style.

‡ For the religion and history of the Samaritans, consult *Barnage, Histoire des Juifs*, a learned and impartial work.

§ Sichem, Neapolis, Naplous, the ancient and modern seat of the Samaritans, is situate in a valley between the barren Ebal, the mountain of cursing to the north, the fruitful Garizim, or mountain of cursing to the south, ten or eleven hours travel from Jerusalem. See *Mandrel, Journey from Aleppo, &c. p. 59—63.*

East: twenty thousand were slain, twenty thousand were sold by the Arabs to the infidels of Persia and India, and the remains of that unhappy nation atoned for the crime of treason by the sin of hypocrisy. It has been computed that one hundred thousand Roman subjects were extirpated in the Samaritan war*, which converted the once fruitful province into a desolate and smoking wilderness. But in the creed of Justinian, the guilt of murder could not be applied to the slaughter of unbelievers; and he piously laboured to establish with fire and sword the unity of the Christian faith†.

With these sentiments, it was incumbent on him, at least, to be always in the right. In the first years of his administration, he signalized his zeal as the disciple and patron of orthodoxy: the reconciliation of the Greeks and Latins established the *tome* of St. Leo as the creed of the emperor and the empire; the Nestorians and Eutychians were exposed, on either side, to the double edge of persecution; and the four synods of Nice, Constantinople, Ephesus, and Chalcedon, were ratified by the code of a Catholic lawgiver‡. But while Justinian strove to maintain the uniformity of faith and worship, his wife Theodora, whose vices were not incompatible with devotion, had listened to the Monophysite teachers; and the open or clandestine enemies of the church revived and multiplied at the smile of their gracious patroness. The capital, the palace, the nuptial bed, were torn by spiritual discord; yet so doubtful was the sincerity of the royal consorts, that their seeming disagreement was imputed by many to a secret and mischievous confederacy against the religion and happiness of their people§. The

* Procop. Anecd. c. 11. Theophan. Chron. p. 122. John Malala, Chron. tom. ii. p. 62. I remember an observation, half philosophical, half superstitious, that the province which had been ruined by the bigotry of Justinian, was the same through which the Mahometans penetrated into the empire.

† The expression of Procopius is remarkable: *ε γαρ δι εδοκει ποτε; ανθρωπων ιντι, ην γε μη της αυτης δοξης δι τελειωτατες τυχοιεν οντες*. Anecd. c. 13.

‡ See the Chronicle of Victor, p. 328. and the original evidence of the laws of Justinian. During the first years of his reign, Baronius himself is in extreme good humour with the emperor, who courted the popes; he got them into his power.

§ Procopius, Anecd. c. 13. Evagrius, l. iv. c. 10. If the ecclesiastical never read the secret historian, their common suspicion proves at least the general hatred.

famous dispute of the THREE CHAPTERS*, which has filled more volumes than it deserves lines, is deeply marked with this subtle and disingenuous spirit. It was now three hundred years since the body of Origen† had been eaten by the worms: his soul, of which he held the pre-existence, was in the hands of its Creator, but his writings were eagerly perused by the monks of Palestine. In these writings, the piercing eye of Justinian described more than ten metaphysical errors; and the primitive doctor, in the company of Pythagoras and Plato, was devoted by the clergy to the eternity of hell-fire, which he had presumed to deny. Under the cover of this precedent, a treacherous blow was aimed at the council of Chalcedon. The fathers had listened without impatience to the praise of Theodore of Mopsuestia‡; and their justice or indulgence had restored both Theodoret of Cyrrhus, and Ibas of Edessa, to the communion of the church. But the characters of these Oriental bishops were tainted with the reproach of heresy; the first had been the master, the two others were the friends, of Nestorius: their most suspicious passages were accused under the title of the *three chapters*; and the condemnation of their memory must involve the honour of a synod, whose name was pronounced with sincere or affected reverence by the Catholic world. If these bishops, whether innocent or guilty, were annihili-

* On the subject of the three chapters, the original acts of the vth general council of Constantinople supply much useless, though authentic, knowledge (Concil. tom. vi. p. 1—419.). The Greek Evagrius is less copious and correct (l. iv. c. 38.) than the three zealous *Africans*, Facundus (in his twelve books, de tribus capitulis, which are most correctly published by Sirmoudi), Liberatus (in his Breviarium, c. 22, 23, 24.), and Victor Tununensis in his Chronicle (in tom. i. Antiq. Lect. Canisii, p. 330—384.). The Liber Pontificalis, or Anastasius (in Vigilio, Pelagio, &c.) is original, *Italian* evidence. The modern reader will derive some information from Dupin (Bibliot. Eccles. tom. v. p. 166²—207.) and Basnage (Hist. de l'Eglise, tom. i. p. 519—541.); yet the latter is too firmly resolved to depreciate the authority and character of the popes.

† Origen had indeed too great a propensity to imitate the *εὐλαβία* and *δυσσεβία* of the old philosophers (Justinian, ad Meunam, in Concil. tom. vi. p. 356.). His moderate opinions were too repugnant to the seal of the church, and he was found guilty of the heresy of reason.

‡ Basnage (Præfat. p. 11—14. ad tom. i. Antiq. Lect. Canis.) has fairly weighed the guilt and innocence of Theodore of Mopsuestia. If he composed 10,000 volumes, as many errors would be a charitable allowance. In all the subsequent catalogues of heresiarchs, he alone, without his two brethren, is included; and it is the duty of Asseman (Bibliot. Orient. tom. iv. p. 203—207.) to justify the sentence.

lated in the sleep of death, they would not probably be awakened by the clamour, which after an hundred years was raised over their grave. If they were already in the fangs of the dæmon, their torments could neither be aggravated nor assuaged by human industry. If in the company of saints and angels, they enjoyed the rewards of piety, they must have smiled at the idle fury of the theological insects who still crawled on the surface of the earth. The foremost of these insects, the emperor of the Romans, darted his sting, and distilled his venom, perhaps without discerning the true motives of Theodora and her ecclesiastical faction. The victims were no longer subject to his power, and the vehement style of his edicts could only proclaim their damnation, and invite the clergy of the East to join in a full chorus of curses and anathemas. The East, with some hesitation, consented to the voice of her sovereign: the fifth general council, of three patriarchs and one hundred and sixty-five bishops, was held at Constantinople; and the authors, as well as the defenders, of the three chapters were separated from the communion of the saints, and solemnly delivered to the prince of darkness. But the Latin churches were more jealous of the honour of Leo and the synod of Chalcedon; and if they had fought as they usually did under the standard of Rome, they might have prevailed in the cause of reason and humanity. But their chief was a prisoner in the hands of the enemy; the throne of St. Peter, which had been disgraced by the simony, was betrayed by the cowardice, of Vigilius, who yielded, after a long and inconsistent struggle, to the despotism of Justinian and the sophistry of the Greeks. His apostacy provoked the indignation of the Latins, and no more than two bishops could be found who would impose their hands on his deacon and successor Pelagius. Yet the perseverance of the popes insensibly transferred to their adversaries the appellation of schismatics: the Illyrian, African, and Italian churches, were oppressed by the civil and ecclesiastical powers, not without some effort of military force*; the

* See the complaints of Liberatus and Victor, and the exhortations of pope Pelagius to the conqueror and exarch of Italy. Schisma . . . per potestates publica opprimatur, &c. (Concil. tom. vi. p. 467, &c.). An

distant Barbarians transcribed the creed of the Vatican, and in the period of a century, the schism of the three chapters expired in an obscure angle of the Venetian province*. But the religious discontent of the Italians had already promoted the conquests of the Lombards, and the Romans themselves were accustomed to suspect the faith, and to detest the government, of their Byzantine tyrant.

Justinian was neither steady nor consistent in the nice process of fixing his volatile opinions and those of his subjects. In his youth he was offended by the slightest deviation from the orthodox line; in his old age, he transgressed the measure of temperate heresy, and the Jacobites, not less than the Catholics, were scandalized by his declaration, that the body of Christ was incorruptible, and that his manhood was never subject to any wants and infirmities, the inheritance of our mortal flesh. This phantastic opinion was announced in the last edicts of Justinian; and at the moment of his seasonable departure, the clergy had refused to subscribe, the prince was prepared to persecute, and the people were resolved to suffer or resist. A bishop of Treves, secure beyond the limits of his power, addressed the monarch of the East in the language of authority and affection. "Most gracious Justinian, remember your baptism and your creed! Let not your grey hairs be defiled with heresy. Recall your fathers from exile, and your followers from perdition. You cannot be ignorant, that Italy and Gaul, Spain and Africa, already deplore your fall, and anathematise your name. Unless, without delay, you destroy what you have taught; unless you exclaim with a loud voice, I have erred, I have sinned, anathema to Nestorius, anathema to Eutyches, you deliver your soul to the same flames in which they will eternally burn."

army was detained to suppress the sedition of an Illyrian city. See Procopius (de Bell. Goth. l. iv. c. 25.): *ὡς περ ἐνέκα τῶν αὐτοῦ δι' Ἰλλυρίων διαμαχουμένων*. He seems to promise an ecclesiastical history. It would have been curious and impartial.

* The bishops of the Patriarchate of Aquileia were reconciled by Pope Honorius, A. D. 638 Muratori, Annali d'Italia, tom. v. p. 376.; but they again relapsed, and the schism was not finally extinguished till 698. Fourteen years before, the church of Spain had overlooked the sixth general council with contemptuous silence (xiii Concil. Toletan. in Concil. tom. vii. p. 487—494.).

He died and made no sign *. His death restored in some degree the peace of the church, and the reigns of his four successors, Justin, Tiberius, Maurice, and Phocas, are distinguished by a rare though fortunate vacancy in the ecclesiastical history of the East †.

The faculties of sense and reason are least capable of acting on themselves; the eye is most inaccessible to the sight, the soul to the thought; yet we think, and even feel, that *one will*, a sole principle of action, is essential to a rational and conscious being. When Heraclius returned from the Persian war, the orthodox hero consulted his bishops, whether the Christ whom he adored, of one person, but of two natures, was actuated by a single or a double will. They replied in the singular, and the emperor was encouraged to hope that the Jacobites of Egypt and Syria might be reconciled by the profession of a doctrine, most certainly harmless, and most probably true, since it was taught even by the Nestorians themselves ‡. The experiment was tried without effect, and the timid or vehement Catholics condemned even the semblance of a retreat in the presence of a subtle and audacious enemy. The orthodox (the prevailing) party devised new modes of speech, and argument, and interpretation: to either nature of Christ, they speciously applied a proper and distinct energy; but the difference was no longer visible when they allowed that the human and the divine will were invariably the same §.

* Nicetius bishop of Treves (Concil. tom. vi. p. 511—518.): he himself, like most of the Gallican prelates (Gregor. Epist. l. vii. ep. 5. in Concil. tom. vi. p. 1007.), was separated from the communion of the four patriarchs by his refusal to condemn the three chapters. Baronius almost pronounces the damnation of Justinian (A. D. 565, No. 6.).

† After relating the last heresy of Justinian (l. iv. c. 39, 40, 41.) and the edict of his successor (l. v. c. 3.), the remainder of the history of Evagrius is filled with civil, instead of ecclesiastical, events.

‡ This extraordinary, and perhaps inconsistent, doctrine of the Nestorians, had been observed by La Croze (Christianisme des Indes, tom. i. p. 19, 20.), and is more fully exposed by Abulpharagius (Bibliot. Orient. tom. ii. p. 292. Hist. Dynast. p. 91. vers. Latin. Pocock) and Asseman himself (tom. iv. p. 218.). They seem ignorant that they might allege the positive authority of the ecthesis. *Ὁ μικρὸς Νεστόριος καὶ πρὸς διακρίσιν τῆς θείας καὶ ἀνθρώπινης φύσεως τοῦ Χριστοῦ, καὶ δύο πταγῶν υἱὸς* (the common reproach of the Monophysites), *δύο θελήματα τούτων ἐπὶ τῷ ἐκ ἐτολήμῃ, τὸ αὐτὸν δὲ τὰντο ἐβλήεν τῶν . . . δύο πρὸς τὴν ἐκδοχῆναι* (Concil. tom. vii. p. 205.).

§ See the orthodox faith in Petavius (Dogmata Theolog. tom. v. l. ix. c. 6—10. p. 433—447.): all the depths of this controversy are sounded

The disease was attended with the customary symptoms; but the Greek clergy, as if satiate with the endless controversy of the incarnation, instilled a healing counsel into the ear of the prince and people. They declared themselves MONOTHELITES (asserters of the unity of will), but they treated the words as new, the questions as superfluous; and recommended a religious silence as the most agreeable to the prudence and charity of the gospel. This law of silence was successively imposed on by the *ecthesis* or exposition of Heraclius, the *type* or model of his grandson Constans*; and the Imperial edicts were subscribed with alacrity or reluctance by the four patriarchs of Rome, Constantinople, Alexandria, and Antioch. But the bishop and monks of Jerusalem sounded the alarm: in the language, or even in the silence, of the Greeks, the Latin churches detected a latent heresy: and the obedience of pope Honorius to the commands of his sovereign was retracted and censured by the bolder ignorance of his successors. They condemned the execrable and abominable heresy of the Monothelites, who revived the errors of Manes, Apollinaris, Eutyches, &c.; they signed the sentence of excommunication on the tomb of St. Peter; the ink was mingled with the sacramental wine, the blood of Christ; and no ceremony was omitted that could fill the superstitious mind with horror and affright. As the representative of the western church, pope Martin and his Lateran synod anathematised the perfidious and guilty silence of the Greeks: one hundred* and five bishops of Italy, for the most part the subjects of Constans, presumed to reprobate his wicked *type* and the impious *ecthesis* of his grandfather, and to confound the authors and their adherents with the twenty-one notorious heretics, the apostates from the church, and the organs of the devil. Such an insult under the tamest reign could not pass with

in the Greek dialogue between Maximus and Pyrrhus (ad calcem, tom. viii. Annal. Baron. p. 755—794.), which relates a real conference, and produced as a short-lived conversion.

* *Impiissimam ecthesim scelerosum typum* (Concil. tom. vii. p. 366.) *diabolicæ operationis genumina* (fors. *germina*, or else the Greek *γυμνάριον*, in the original. Concil. p. 368, 364.), are the expressions of the xviiith anathema. The epistle of Pope Martin to Amandus, a Gallican bishop, stigmatises the Monothelites and their heresy with equal virulence (p. 392.).

impunity. Pope Martin ended his days on the inhospitable shore of the Tauric Chersonesus, and his oracle, the abbot Maximus, was inhumanly chastised by the amputation of his tongue and his right hand*. But the same invincible spirit survived in their successors, and the triumph of the Latins avenged their recent defeat, and obliterated the disgrace of the three chapters. The synods of Rome were confirmed by the sixth general council of Constantinople, in the palace and the presence of a new Constantine, a descendant of Heraclius. The royal convert converted the Byzantine pontiff and a majority of the bishops†; the dissenters, with their chief, Macarius of Antioch, were condemned to the spiritual and temporal pains of heresy; the East condescended to accept the lessons of the West; and the creed was finally settled, which teaches the Catholics of every age, that two wills or energies are harmonised in the person of Christ. The majesty of the pope and the Roman synod was represented by two priests, one deacon, and three bishops; but these obscure Latins had neither arms to compel, nor treasures to bribe, nor language to persuade; and I am ignorant by what arts they could determine the lofty emperor of the Greeks to abjure the catechism of his infancy, and to persecute the religion of his fathers. Perhaps the monks and people of Constantinople‡ were favourable to the Lateran creed, which is indeed the least favourable of the two: and the suspicion is countenanced by the unnatural moderation of the Greek clergy, who appear in this quarrel to be conscious of their weakness. While the synod

* The sufferings of Martin and Maximus are described with pathetic simplicity in the original letters and acts (Concil. tom. vii. p. 63—78. Baron. Annal. Eccles. A.D. 646, No. 2. et annos subsequent.). Yet the chastisement of their disobedience, *ἔξορα* and *συνματος συνισμος*, had been previously announced in the Type of Constans (Concil. tom. vii. p. 240.).

† Eutychius (Annal. tom. ii. p. 368.) most erroneously supposes that the 124 bishops of the Roman synod transported themselves to Constantinople; and by adding them to the 168 Greeks, thus composes the sixth council of 292 fathers.

‡ The Monothelite Constans was hated by all *ὅμοι τε ταῦτα* (says Theophanes, Chron. p. 292.) *ἰμισιοῦν σφοδρὰ παρὰ πάντων*. When the Monothelite monk failed in his miracle, the people shouted, *ὁ λαὸς ἀνέβη* (Concil. tom. vii. p. 1032.). But this was a natural and transient emotion; and I much fear that the latter is an anticipation of orthodoxy in the good people of Constantinople.

debated, a fanatic proposed a more summary decision, by raising a dead man to life: the prelates assisted at the trial, but the acknowledged failure may serve to indicate, that the passions and prejudices of the multitude were not enlisted on the side of the Monothelites. In the next generation, when the son of Constantine was deposed and slain by the disciple of Macarius, they tasted the feast of revenge and dominion: the image or monument of the sixth council was defaced, and the original acts were committed to the flames. But in the second year, their patron was cast headlong from the throne, the bishops of the East were released from their occasional conformity, the Roman faith was more firmly replanted by the orthodox successors of Bardanes, and the fine problems of the incarnation were forgotten in the more popular and visible quarrel of the worship of images*.

Before the end of the seventh century, the creed of the incarnation, which had been defined at Rome and Constantinople, was uniformly preached in the remote islands of Britain and Ireland†: the same ideas were entertained, or rather the same words were repeated, by all the Christians whose liturgy was performed in the Greek or the Latin tongue. Their numbers, and visible splendour, bestowed

* The history of Monothelitism may be found in the Acts of the Synods of Rome (tom. vii. p. 77—295. 601—608.) and Constantinople (p. 609—1429.). Baronius extracted some original documents from the Vatican library; and his chronology is rectified by the diligence of Pagi. Even Dupin (*Bibliothèque Eccles.* tom. vi. p. 57—71.) and Basnage (*Hist. de l'Eglise*, tom. i. p. 641—555.) afford a tolerable abridgment.

† In the Lateran synod of 679, Wilfrid, an Anglo-Saxon bishop, subscribed pro omni Aquilonati parte Britannæ et Hiberniæ, quæ ab Anglorum et Brittonum, necnon Scotorum et Pictorum gentibus colebantur (*Eddius*, in *Vit. St. Wilfrid*, c. 81. apud Pagi, *Critica*, tom. iii. p. 88.). Theodore (magnæ insulæ Britannæ archiepiscopus et philosophus) was long expected at Rome (Concil. tom. vii. p. 714.); but he contented himself with holding (A.D. 680) his provincial synod of Hatfield, in which he received the decrees of pope Martin and the first Lateran council against the Monothelites (Concil. tom. vii. p. 597, &c.). Theodore, a monk of Tarsus in Cilicia, had been named to the primacy of Britain by pope Vitalian (A.D. 668. See Baronius and Pagi), whose esteem for his learning and piety was tainted by some distrust of his national character—ne quid contrarium veritati fidei, Græcorum more, in ecclesiam cui præeset introduceret. The Ciceronian was sent from Rome to Canterbury under the tuition of an African guide (*Bedæ Hist. Eccles. Anglorum*, l. iv. c. 1.). He adhered to the Roman doctrine; and the same creed of the incarnation has been uniformly transmitted from Theodore to the modern primates, whose sound understanding is perhaps seldom engaged with that abstruse mystery.

an imperfect claim to the appellation of Catholics: but in the East, they were marked with the less honourable name of *Melchites* or Royalists*; of men, whose faith, instead of resting on the basis of scripture, reason, or tradition, had been established, and was still maintained, by the arbitrary power of a temporal monarch. Their adversaries might allege the words of the fathers of Constantinople, who profess themselves the slaves of the king; and they might relate, with malicious joy, how the decrees of Chalcedon had been inspired and reformed by the emperor Marcian and his virgin bride. The prevailing faction will naturally inculcate the duty of submission, nor is it less natural that dissenters should feel and assert the principles of freedom. Under the rod of persecution, the Nestorians and Monophysites degenerated into rebels and fugitives; and the most ancient and useful allies of Rome were taught to consider the emperor not as the chief, but as the enemy, of the Christians. Language, the leading principle which unites or separates the tribes of mankind, soon discriminated the sectaries of the East, by a peculiar and perpetual badge, which abolished the means of intercourse and the hope of reconciliation. The long dominion of the Greeks, their colonies, and, above all, their eloquence, had propagated a language doubtless the most perfect that has been contrived by the art of man. Yet the body of the people, both in Syria and in Egypt, still persevered in the use of their national idioms; with this difference however, that the Coptic was confined to the rude and illiterate peasants of the Nile, while the Syriac†, from the mountains of Assyria

* This name, unknown till the xth century, appears to be of Syriac origin. It was invented by the Jacobites, and eagerly adopted by the Nestorians and Mahometans: but it was accepted without shame by the Catholics, and is frequently used in the Annals of Eutychius (Asseman. Bibliot. Orient. tom. ii. p. 507, &c. tom. iii. p. 355. Renaudot, Hist. Patriarch. Alexandrin. p. 119.). Ἡμεῖς δὲ τοὺς βασιλεῖς, was the acclamation of the fathers of Constantinople (Concil. tom. vii. p. 765.).

† The Syriac, which the natives revere as the primitive language, was divided into three dialects. 1. The *Aramean*, as it was refined at Edessa and the cities of Mesopotamia. 2. The *Palestine*, which was used in Jerusalem, Damascus, and the rest of Syria. 3. The *Nabathean*, the rustic idiom of the mountains of Assyria and the villages of Irak (Gregor. Abulpharag. Hist. Dynast. p. 11.). On the Syriac, see Ebed-Jeu (Asseman. tom. iii. p. 326, &c.), whose prejudice alone could prefer it to the Arabic.

to the Red Sea, was adapted to the higher topics of poetry and argument. Armenia and Abyssinia were infected by the speech or learning of the Greeks; and their Barbaric tongues, which have been revived in the studies of modern Europe, were unintelligible to the inhabitants of the Roman empire. The Syriac and the Coptic, the Armenian and the Æthiopic, are consecrated in the service of their respective churches; and their theology is enriched by domestic versions* both of the scriptures and of the most popular fathers. After a period of thirteen hundred and sixty years, the spark of controversy, first kindled by a sermon of Nestorius, still burns in the bosom of the East, and the hostile communions still maintain the faith and discipline of their founders. In the most abject state of ignorance, poverty, and servitude, the Nestorians and Monophysites reject the spiritual supremacy of Rome, and cherish the toleration of their Turkish masters, which allows them to anathematise, on one hand, St. Cyril and the synod of Ephesus; on the other, pope Leo and the council of Chalcedon. The weight which they cast into the downfall of the Eastern empire demands our notice, and the reader may be amused with the various prospects of, I. The Nestorians. II. The Jacobites†. III. The Maronites. IV. The Armenians. V. The Copts; and, VI. The Abyssinians. To the three former, the Syriac is common; but of the latter, each is discriminated by the use of a national idiom. Yet the modern natives of Armenia and Abyssinia would be incapable of conversing with their ancestors; and the Christians of Egypt and Syria, who re-

* I shall not enrich my ignorance with the spoils of Simon, Walton, Mill, Wetstein, Assemanus, Ludolphus, La Croye, whom I have consulted with some care. It appears, 1. *That*, of all the versions which are celebrated by the fathers, it is doubtful whether any are now extant in their pristine integrity. 2. *That* the Syriac has the best claim; and that the consent of the Oriental sects is a proof that is more ancient than their schism.

† On the account of the Monophysites and Nestorians, I am deeply indebted to the Bibliothecæ Orientalis Clementino-Vaticana of Joseph Simon Assemanus. That learned Maronite was dispatched in the year 1715, by pope Clement XI. to visit the monasteries of Egypt and Syria, in search of MSS. His four folio volumes, published at Rome 1719—1726, contain a part only, though perhaps the most valuable, of his extensive project. As a native and as a scholar, he possessed the Syriac literature; and, though a dependant of Rome, he wishes to be moderate and candid.

act the religion, have adopted the language, of the Arabians. The lapse of time has seconded the sacerdotal arts; and in the East, as well as in the West, the Deity is addressed in an obsolete tongue, unknown to the majority of the congregation.

I. Both in his native and his episcopal province, the heresy of the unfortunate Nestorius was speedily obliterated. The Oriental bishops, who at Ephesus had resisted to his face the arrogance of Cyril, were mollified by his tardy concessions. The same prelates, or their successors, subscribed, not without a murmur, the decrees of Chalcedon; the power of the Monophysites reconciled them with the Catholics in the conformity of passion, of interest, and insensibly of belief; and their last reluctant sigh was breathed in the defence of the three chapters. Their dissenting brethren, less moderate, or more sincere, were crushed by the penal laws; and as early as the reign of Justinian, it became difficult to find a church of Nestorians within the limits of the Roman empire. Beyond those limits they had discovered a new world, in which they might hope for liberty, and aspire to conquest. In Persia, notwithstanding the resistance of the Magi, Christianity had struck a deep root, and the nations of the East reposed under its salutary shade. The catholic, or primate, resided in the capital: in his synods, and in their dioceses, his metropolitans, bishops, and clergy, represented the pomp and honour of a regular hierarchy: they rejoiced in the increase of proselytes, who were converted from the Zendavesta to the Gospel, from the secular to the monastic life; and their zeal was stimulated by the presence of an artful and formidable enemy. The Persian church had been founded by the missionaries of Syria; and their language, discipline, and doctrine, were closely interwoven with its original frame. The catholics were elected and ordained by their own suffragans; but their filial dependence on the patriarchs of Antioch is attested by the canons of the Oriental church*. In the Persian school of

* See the Arabic canons of Nice in the translation of Abraham Ecchelenensis, No. 37, 38, 39, 40. Concil. tom. ii. p. 335, 336. edit. Venet. These vulgar titles, *Nicene* and *Arabic*, are both apocryphal. The council of Nice enacted no more than twenty canons (Theodoret, Hist. Eccles. l. i. c. 8.); and the remainder, seventy of eighty, were collected from the

Edessa*, the rising generations of the faithful imbibed their theological idiom; they studied in the Syriac version the ten thousand volumes of Theodore of Mopsuestia, and they revered the apostolic faith and holy martyrdom of his disciple Nestorius, whose person and language were equally unknown to the nations beyond the Tigris. The first indelible lesson of Ibas bishop of Edessa, taught them to execrate the *Egyptians*, who, in the synod of Ephesus, had impiously confounded the two natures of Christ. The flight of the masters, and scholars, who were twice expelled from the Athens of Syria, dispersed a crowd of missionaries inflamed by the double zeal of religion and revenge. And the rigid unity of the Monophysites, who, under the reigns of Zeno and Anastasius, had invaded the thrones of the East, provoked their antagonists, in a land of freedom, to avow a moral, rather than a physical, union of the two persons of Christ. Since the first preaching of the gospel, the Sasanian kings beheld with an eye of suspicion, a race of aliens and apostates, who had embraced the religion, and who might favour the cause, of the hereditary foes of their country. The royal edicts had often prohibited their dangerous correspondence with the Syrian clergy; the progress of the schism was grateful to the jealous pride of Perozes, and he listened to the eloquence of an artful prelate, who painted Nestorius as the friend of Persia, and urged him to secure the fidelity of his Christian subjects, by granting a just preference to the victims and enemies of the Roman tyrant. The Nestorians composed a large majority of the clergy and people: they were encouraged by the smile, and armed with the sword, of despotism; yet many of their weaker brethren were startled at the thought of breaking loose from the communion of the Christian world, and the blood of seven thousand

synods of the Greek church. The Syriac edition of Maruthas is no longer extant (Asseman. *Bibliot. Oriental.* tom. i. p. 195. tom. iii. p. 74.), and the Arabic version is marked with many recent interpolations. Yet this code contains many curious relics of ecclesiastical discipline; and since it is equally revered by all the eastern communions, it was probably finished before the schism of the Nestorians and Jacobites. (*Fabric. Bibliot. Græc.* tom. xi. p. 363—367.)

* Theodore the reader (*l. ii. c. 5. 49. ad calcem Hist. Eccles.*) has noticed this Persian school of Edessa. Its ancient splendour, and the two eras of its downfall (A.D. 431 and 489), are clearly discussed by Assemani (*Biblioth. Orient.* tom. ii. p. 402. iii. p. 376. 378. iv. p. 70. 924.)

seven hundred Monophysites or Catholics, confirmed the uniformity of faith and discipline in the churches of Persia. Their ecclesiastical institutions are distinguished by a liberal principle of reason, or at least of policy: the austerity of the cloister was relaxed and gradually forgotten; houses of charity were endowed for the education of orphans and foundlings; the law of celibacy, so forcibly recommended to the Greeks and Latins, was disregarded by the Persian clergy; and the number of the elect was multiplied by the public and reiterated nuptials of the priests, the bishops, and even the patriarch himself. To this standard of natural and religious freedom, myriads of fugitives resorted from all the provinces of the Eastern empire: the narrow bigotry of Justinian was punished by the emigration of his most industrious subjects; they transported into Persia the arts both of peace and war: and those who deserved the favour, were promoted in the service, of a discerning monarch. The arms of Nushirvan, and his fiercer grandson, were assisted with advice, and money, and troops, by the desperate sectaries, who still lurked in their native cities of the East; their zeal was rewarded with the gift of the Catholic churches: but when those cities and churches were recovered by Heraclius, their open profession of treason and heresy compelled them to seek a refuge in the realm of their foreign ally. But the seeming tranquillity of the Nestorians was often endangered, and sometimes overthrown. They were involved in the common evils of Oriental despotism; their enmity to Rome could not always atone for their attachment to the gospel: and a colony of three hundred thousand Jacobites, the captives of Apamea and Antioch, was permitted to erect an hostile altar in the face of the catholic, and in the sunshine of the court. In his last treaty, Justinian introduced some conditions which tended to enlarge and fortify the toleration of Christianity in Persia. The emperor, ignorant of the rights of conscience, was in-

* A dissertation on the state of the Nestorians has swelled in the hands of Assemanni to a folio volume of 950 pages, and his learned researches are digested in the most lucid order. Besides this 16th volume of the *Bibliotheca Orientalis*, the extracts in the three preceding tomes (tom. i. p. 203. ii. p. 321—453. iii. 64—70. 378—395, &c. 403—408. 590—569.) may be usefully consulted.

capable of pity or esteem for the heretics who denied the authority of the holy synods: but he flattered himself that they would gradually perceive the temporal benefits of union with the empire and the church of Rome; and if he failed in exciting their gratitude, he might hope to provoke the jealousy of their sovereign. In a later age, the Lutherans have been burnt at Paris and protected in Germany, by the superstition and policy of the most Christian king.

The desire of gaining souls for God, and subjects for the church, has excited in every age the diligence of the Christian priests. From the conquest of Persia they carried their spiritual arms to the north, the east, and the south; and the simplicity of the gospel was fashioned and painted with the colours of the Syriac theology. In the sixth century, according to the report of a Nestorian traveller*, Christianity was successfully preached to the Bactrians, the Huns, the Persians, the Indians, the Persarmenians, the Medes, and the Elamites: the Barbaric churches, from the gulf of Persia to the Caspian sea, were almost infinite; and their recent faith was conspicuous in the number and sanctity of their monks and martyrs. The pepper coast of Malabar, and the isles of the ocean, Socotora and Ceylan, were peopled with an increasing multitude of Christians, and the bishops and clergy of those sequestered regions derived their ordination from the catholic of Babylon. In a subsequent age, the zeal of the Nestorians overleaped the limits which had confined the ambition and curiosity both of the Greeks and Persians. The missionaries of Balch and Samarcand pur-

* See the *Topographia Christiana* of Cosmas, surnamed Indicopleustes, or the Indian navigator, l. iii. p. 178, 179. l. xi. p. 337. The entire work, of which some curious extracts may be found in Photius (cod. xxxvi. p. 9, 10. edit. Hoeschet), Thevenot (in the 1st Part of his *Relation des Voyages*, &c.), and Fabricius (*Bibliot. Græc.* l. iii. c. 25. tom. ii. p. 608—617.), has been published by father Montfaucon at Paris 1707, in the *Nova Collectio Patrum* (tom. ii. p. 113—346.). It was the design of the author to confute the impious heresy of those who maintain that the earth is a globe, and not a flat oblong table, as it is represented in the Scriptures (l. ii. p. 138.). But the nonsense of the monk is mingled with the practical knowledge of the traveller, who performed his voyage A.D. 522, and published his book at Alexandria, A.D. 547 (l. ii. p. 140, 141. Montfaucon. *Præfat.* c. 2.). The Nestorianism of Cosmas, unknown to his learned editor, was detected by La Croze (*Christianisme des Indes*, tom. i. p. 40—55.), and is confirmed by Assemani (*Bibliot. Orient.* tom. iv. p. 605, 606.)

sued without fear the footsteps of the roving Tartar, and insinuated themselves into the camps of the vallies of *Imams* and the banks of the *Selinga*. They exposed a metaphysical creed to those illiterate shepherds: to those sanguinary warriors, they recommended humanity and repose. Yet a khan, whose power they vainly magnified, is said to have received at their hands the rites of baptism, and even of ordination; and the fame of *Prester* or *Presbyter John** has long amused the credulity of Europe. The royal convert was indulged in the use of a portable altar; but he dispatched an embassy to the patriarch, to inquire how, in the season of Lent, he should abstain from animal food, and how he might celebrate the Eucharist in a desert that produced neither corn nor wine. In their progress by sea and land, the Nestorians entered China by the port of Canton and the northern residence of Sigan. Unlike the senators of Rome, who assumed with a smile the characters of priests and augurs, the mandarins, who affect in public the reason of philosophers, are devoted in private to every mode of popular superstition. They cherished and they confounded the gods of Palestine and of India; but the propagation of Christianity awakened the jealousy of the state, and after a short vicissitude of favour and persecution, the foreign sect expired in ignorance and oblivion†. Under the reign of the caliphs, the Nestorian church was diffused from China to Jerusalem and Cyprus; and their numbers, with those of the Jacobites, were computed to surpass the Greek and

* In its long progress to Mosul, Jerusalem, Rome, &c. the story of Prester John evaporated in a monstrous fable, of which some features have been borrowed from the Lama of Thibet (*Hist. Gencalogique des Taitares*, tom. ii. p. 42. *Hist. de Gengiscan*, p. 31, &c.), and were ignorantly transferred by the Portuguese to the emperor of Abyssinia (*Ludolph. Hist. Ethiop. Comment. l. ii. c. 1.*). Yet it is probable that in the xith and xiiith centuries, Nestorian Christianity was professed in the hord of Keraites (*d'Herbelot*, p. 256. 915. 959. *Assemanni*, tom. iv. p. 468—504.).

† The Christianity of China, between the seventh and the thirteenth century, is invincibly proved by the consent of Chinese, Arabian, Syriac, and Latin evidence (*Assemanni, Biblioth. Orient. tom. iv. p. 502—552. Mem. de l'Academie des Inscript. tom. xxx. p. 802—819.*). The inscription of Siganfu, which describes the fortunes of the Nestorian church, from the first mission, A.D. 636, to the current year 781, is accused of forgery by *La Croze*, *Voltaire*, &c. who become the dupes of their own cunning, while they are afraid of a Jesuitical fraud.

Latin communions*. Twenty-five metropolitans or archbishops composed their hierarchy, but several of these were dispensed, by the distance and danger of the way, from the duty of personal attendance, on the easy condition that every six years they should testify their faith and obedience to the *catholic* or patriarch of Babylon, a vague appellation, which has been successively applied to the royal seats of Seleucia, Ctesiphon, and Bagdad. These remote branches are long since withered, and the old patriarchal trunk† is now divided by the *Elijahs* of Mosul, the representatives, almost in lineal descent, of the genuine and primitive succession, the *Josephs* of Amida, who are reconciled to the church of Rome‡, and the *Simcons* of Van or Ormia, whose revolt, at the head of forty thousand families, was promoted in the sixteenth century by the Sophists of Persia. The number of three hundred thousand is allowed for the whole body of the Nestorians, who, under the name of Chaldæans or Assyrians, are confounded with the most learned or the most powerful nation of Eastern antiquity.

According to the legend of antiquity, the gospel was preached in India by St. Thomas§. At the end of the ninth century, his shrine, perhaps in the neighbourhood of Madras, was devoutly visited by the ambassadors of Alfred, and their return with a cargo of pearls and spices rewarded the zeal of the English monarch, who entertained the

* Jacobitæ et Nestorianæ plures quam Græci et Latini. Jacob a Vitriaco, Hist. Hierosol. l. ii. c. 76. p. 1093. in the *Gesta Dei per Francos*. The numbers are given by Thomassin, *Discipline de l'Eglise*, tom. i. p. 172.

† The division of the patriarchate may be traced in the *Bibliotheca Orient. of Assemani*, tom. i. p. 523—549. tom. ii. p. 457, &c. tom. iii. p. 603. p. 621—623. tom. iv. p. 164—169. p. 423. p. 622—629, &c.

‡ The pompous language of Rome, on the submission of a Nestorian patriarch, is elegantly represented in the viith book of Fra-Paolo, *Babylon, Niniveh, Arbela, and the trophies of Alexander, Tauris, and Ecbatana, the Tigris and Indus*.

§ The Indian missionary St. Thomas, an apostle, a Manichean, or an Armenian merchant (La Croze, *Christianisme des Indes*, tom. i. p. 57—70.), was famous, however, as early as the time of Jerome (ad Marcellam epist. 148.). Marco Polo was informed on the spot that he suffered martyrdom in the city of Maabar, or Meliapour, a league only from Madras (d'Anville, *Ecclairessemens sur l'Inde*, p. 125.), where the Portuguese founded an episcopal church under the name of St. Thomé, and where the saint performed an annual miracle, till he was silenced by the profane neighbourhood of the English (La Croze, tom. ii. p. 7—16.).

largest projects of trade and discovery*. When the Portuguese first opened the navigation of India, the Christians of St. Thomas had been seated for ages on the coast of Malabar, and the difference of their character and colour attested the mixture of a foreign race. In arms, in arts, and possibly in virtue, they excelled the natives of Hindostan: the husbandmen cultivated the palm-tree, the merchants were enriched by the pepper-trade, the soldiers preceded the *nairs* or nobles of Malabar, and their hereditary privileges were respected by the gratitude or the fear of the king of Cochin and the Zamorin himself. They acknowledged a Gentoo sovereign, but they were governed, even in temporal concerns, by the bishop of Angamala. He still asserted his ancient title of metropolitan of India, but his real jurisdiction was exercised in fourteen hundred churches, and he was entrusted with the care of two hundred thousand souls. Their religion would have rendered them the firmest and most cordial allies of the Portuguese, but the inquisitors soon discerned in the Christians of St. Thomas the unpardonable guilt of heresy and schism. Instead of owning themselves the subjects of the Roman pontiff, the spiritual and temporal monarch of the globe, they adhered, like their ancestors, to the communion of the Nestorian patriarch; and the bishops whom he ordained at Mosul, traversed the dangers of the sea and land to reach their diocese on the coast of Malabar. In their Syriac liturgy, the names of Theodore and Nestorius were piously commemorated; they united their adoration of the two persons of Christ; the title of Mother of God was offensive to their ear, and they measured with scrupulous avarice the honours of the Virgin Mary, whom the superstition of the Latins had almost exalted to the rank of a goddess. When her image was

* Neither the author of the Saxon Chronicle (A.D. 883) nor William of Malmesbury (*de Gestis Regum Angliæ*, l. ii. c. 4. p. 44.) were capable, in the xiith century, of inventing this extraordinary fact: they are incapable of explaining the motives and measures of Alfred; and their hasty notice serves only to provoke our curiosity. William of Malmesbury feels the difficulty of the enterprise, *quod quisvis in hoc sæculo miretur*; and I almost suspect that the English ambassadors collected their cargo and legend in Egypt. The royal author has not enriched his *Orosius* (see Barrington's *Miscellanies*) with an Indian, as well as a Scandinavian voyage.

first presented to the disciples of St. Thomas, they indignantly exclaimed, "We are Christians, not idolaters!" and their simple devotion was content with the veneration of the cross. Their separation from the western world had left them in ignorance of the improvements, or corruptions, of a thousand years; and their conformity with the faith and practice of the fifth century, would equally disappoint the prejudices of a papist or a protestant. It was the first care of the ministers of Rome to intercept all correspondence with the Nestorian patriarch, and several of his bishops expired in the prisons of the holy office. The flock, without a shepherd, was assaulted by the power of the Portuguese, the arts of the Jesuits, and the zeal of Alcaes de Menezes, archbishop of Goa, in his personal visitation of the coast of Malabar. The synod of Diamper, at which he presided, consummated the pious work of the reunion, and rigorously imposed the doctrine and discipline of the Roman church, without forgetting auricular confession, the strongest engine of ecclesiastical torture. The memory of Theodore and Nestorius was condemned, and Malabar was reduced under the dominion of the pope, of the primate, and of the Jesuits who invaded the see of Angamala or Cranganor. Sixty years of servitude and hypocrisy were patiently endured; but as soon as the Portuguese empire was shaken by the courage and industry of the Dutch, the Nestorians asserted, with vigour and effect, the religion of their fathers. The Jesuits were incapable of defending the power which they had abused: the arms of forty thousand Christians were pointed against their falling tyrants; and the Indian arch-deacon assumed the character of bishop, till a fresh supply of episcopal gifts and Syriac missionaries could be obtained from the patriarch of Babylon. Since the expulsion of the Portuguese, the Nestorian creed is freely professed on the coast of Malabar. The trading companies of Holland and England are the friends of toleration; but if oppression be less mortifying than contempt, the Christians of St. Thomas have reason to complain of the cold and silent indifference of their brethren of Europe*.

* Concerning the Christians of St. Thomas, see Assemanus, *Biblioth. Orient.* tom. iv. p. 391—407. 435—451. Geddes's *Church History of Ma-*

II. The history of the Monophysites is less copious and interesting than that of the Nestorians. Under the reigns of Zeno and Anastasius, their artful leaders surprised the ear of the prince, usurped the thrones of the East, and crushed on its native soil the school of the Syrians. The rule of the Monophysite faith was defined with exquisite discretion by Severus patriarch of Antioch; he condemned, in the style of the Henoticon, the adverse heresies of Nestorius and Eutyches, maintained against the latter the reality of the body of Christ, and constrained the Greeks to allow that he was a liar who spoke truth*. But the approximation of ideas could not abate the vehemence of passion; each party was the more astonished that their blind antagonist could dispute on so trifling a difference; the tyrant of Syria enforced the belief of his creed, and his reign was polluted with the blood of three hundred and fifty monks, who were slain, not perhaps without provocation or resistance, under the walls of Apamea†. The successor of Anastasius replanted the orthodox standard in the East: Severus fled into Egypt; and his friend, the eloquent Xenaias‡, who had escaped from the Nestorians of Persia, was suffocated in his exile by the Melchites of Paphlagonia. Fifty-four bishops were swept from their thrones, eight hundred

labar; and, above all, La Croze, *Histoire du Christianisme des Indes*, in two vols 12mo. La Haye, 1758, a learned and agreeable work. They have drawn from the same source, the Portuguese and Italian narratives; and the prejudices of the Jesuits are sufficiently corrected by those of the protestants.

* Οὐκ ἔστιν ἡ ἕνωσις is the expression of Theodore in his treatise of the Incarnation, p. 245. 247. as he is quoted by La Croze (*Hist. du Christianisme d'Ethiophe et d'Armenie*, p. 35), who exclaims, perhaps too hastily, "Quel pitoyable raisonnement!" Renaudot has touched (*Hist. Patriarch. Alex.* p. 127—138.) the Oriental accounts of Severus; and his authentic Creed may be found in the epistle of John the Jacobite patriarch of Antioch, in the xth century, to his brother Mennas of Alexandria (*Assemani. Bibliot. Orient.* tom. ii. p. 132—141.).

† Epist. Archimandritarum et Monachorum Syriæ Secunda ad Papam Hormisdam, *Concil.* tom. v. p. 598—602. The courage of St. Sabas, ut leo animosus, will justify the suspicion that the arms of these monks were not always spiritual or defensive (*Baronius, A.D.* 512, No. 7, &c.).

‡ Assemani (*Bibliot. Orient.* tom. ii. p. 10—16), and La Croze (*Christianisme d'Ethiophe*, p. 36—40.) will supply the history of Xenaias, or Philoxenus, bishop of Mabug, or Hierapolis, in Syria. He was a perfect master of the Syriac language, and the author or editor of a version of the New Testament.

ecclesiastics were cast into prison *, and notwithstanding the ambiguous favour of Theodora, the Oriental flocks, deprived of their shepherds, must insensibly have been either famished or poisoned. In this spiritual distress, the expiring faction was revived, and united, and perpetuated, by the labours of a monk; and the name of James Baradæus † has been preserved in the appellation of *Jacobites*, a familiar sound which may startle the ear of an English reader. From the holy confessors in their prison of Constantinople, he received the powers of bishop of Edessa and apostle of the East, and the ordination of fourscore thousand bishops, priests, and deacons, is derived from the same inexhaustible source. The speed of the zealous missionary was promoted by the fleetest dromedaries of a devout chief of the Arabs; the doctrine and discipline of the Jacobites were secretly established in the dominions of Justinian; and each Jacobite was compelled to violate the laws and to hate the Roman legislator. The successors of Severus, while they lurked in convents or villages, while they sheltered their proscribed heads in the caverns of hermits, or the tents of the Saracens, still asserted, as they now assert, their indefeasible right to the title, the rank, and the prerogatives of the patriarch of Antioch: under the milder yoke of the infidels, they reside about a league from Merdin, in the pleasant monastery of Zapharan, which they have embellished with cells, aqueducts, and plantations. The secondary, though honourable, place is filled by the *maphrian*, who, in his station at Mosul itself, defies the Nestorian *catholic* with whom he contests the supremacy of the East. Under the patriarch and the maphrian, one hundred and fifty archbishops and

* The names and titles of fifty-four bishops who were exiled by Justin, are preserved in the Chronicle of Dionysius (apud Asseman. tom. ii. p. 54.). Severus was personally summoned to Constantinople—for his trial, says Liberatus (Brev. c. 19)—that his tongue might be cut out, says Evagrius (l. iv. c. 4.). The prudent patriarch did not stay to examine the difference. This ecclesiastical revolution is fixed by Pagi to the month of September of the year 518 (Critica, tom. ii. p. 506.).

† The obscure history of James, or Jacobus Baradæus, or Zanzalus, may be gathered from Eutychius (Annal. tom. ii. p. 144. 147.), Renaudet (Hist. Patriarch. Alex. p. 188.), and Assemanus (Bibliot. Orient. tom. i. p. 424. tom. ii. p. 62—69. 324—332. p. 414. tom. iii. p. 385—388.). He seems to be unknown to the Greeks. The Jacobites themselves had rather deduce their name and pedigree from St. James the apostle.

bishops have been counted in the different ages of the Jacobite church; but the order of the hierarchy is relaxed or dissolved, and the greater part of their dioceses is confined to the neighbourhood of the Euphrates and the Tigris. The cities of Aleppo and Amida, which are often visited by the patriarch, contain some wealthy merchants and industrious mechanics, but the multitude derive their scanty sustenance from their daily labour: and poverty, as well as superstition, may impose their excessive fasts; five annual lents, during which, both the clergy and laity abstain not only from flesh or eggs, but even from the taste of wine, of oil, and of fish. Their present numbers are esteemed from fifty to fourscore thousand souls, the remnant of a populous church, which has gradually decreased under the oppression of twelve centuries. Yet in that long period, some strangers of merit have been converted to the Monophysite faith, and a Jew was the father of Abulpharagius * primate of the East, so truly eminent both in his life and death. In his life, he was an elegant writer of the Syriac and Arabic tongues, a poet, physician, and historian, a subtle philosopher, and a moderate divine. In his death, his funeral was attended by his rival the Nestorian patriarch, with a train of Greeks and Armenians, who forgot their disputes, and mingled their tears over the grave of an enemy. The sect which was honoured by the virtues of Abulpharagius appears, however, to sink below the level of their Nestorian brethren. The superstition of the Jacobites is more abject, their fasts more rigid †, their intestine divisions are more numerous, and their doctors (as far as I can measure the degrees of nonsense) are more remote from the precincts of reason. Something may possibly be allowed for the rigour of the Monophysite theology; much more for the superior influence of the monastic order. In Syria, in Egypt, in Æthiopia, the Jacobite monks have ever been distinguished by the

* The account of his person and writings is perhaps the most curious article in the *Bibliotheca* of Assemanus (tom. ii. p. 244—321. under the name of *Gregorius Bar-Hebræus*). La Croze (*Christianisme d'Ethiopie*, p. 53—63.) ridicules the prejudice of the Spaniards against the Jewish blood which secretly defiles their church and state.

† This *excessive* abstinence is censured by La Croze (p. 332.), and even by the Syrian Assemanus (tom. i. p. 226. tom. ii. p. 304, 305.).

austerity of their penance and the absurdity of their legends. Alive or dead they are worshipped as the favourites of the Deity; the crosier of bishop and patriarch is reserved for their venerable hands; and they assume the government of men, while they are yet reeking with the habits and prejudices of the cloister*.

III. In the style of the Oriental Christians, the Monothelites of every age are described under the appellation of *Maronites* †, a name which has been insensibly transferred from an hermit to a monastery, from a monastery to a nation. Maron, a saint or savage of the fifth century, displayed his religious madness in Syria; the rival cities of Apamea and Emesa disputed his relics, a stately church was erected on his tomb, and six hundred of his disciples united their solitary cells on the banks of the Orontes. In the controversies of the incarnation, they nicely threaded the orthodox line between the sects of Nestorius and Eutyches; but the unfortunate question of *one will* or operation in the two natures of Christ, was generated by their curious leisure. Their proselyte, the emperor Heraclius, was rejected as a Maronite from the walls of Emesa; he found a refuge in the monastery of his brethren; and their theological lessons were repaid with the gift of a spacious and wealthy domain. The name and doctrine of this venerable school were propagated among the Greeks and Syrians, and their zeal is expressed by Macarius patriarch of Antioch, who declared before the synod of Constantinople, that sooner than subscribe the *two wills* of Christ, he would submit to be hewn piece-meal and cast into the sea ‡. A similar or a less cruel mode of persecution soon converted the unresisting sub-

* The state of the Monophysites is excellently illustrated in a dissertation at the beginning of the third volume of Assemanus, which contains 142 pages. The Syriac Chronicle of Gregory Bar-Hebraeus, or Abulpharagius (Bibliot. Orient. tom. ii. p. 321—463.), pursues the double series of the Nestorian catholics and the *maphrans* of the Jacobites.

† The synonymous use of the two words may be proved from Eutychius (Annal. tom. ii. p. 191. 267. 332.); and many similar passages which may be found in the methodical table of Pocock. He was not actuated by any prejudice against the Maronites of the xth century; and we may believe a Melchite, whose testimony is confirmed by the Jacobites and Latins.

‡ Concil. tom. vii. p. 789. The Monothelite cause was supported with firmness and subtlety by Constantine, a Syrian priest of Apamea (p. 1040, &c.).

jects of the plain, while the glorious title of *Mardaites**, or rebels, was bravely maintained by the bardy natives of mount Libanus. John Maron, one of the most learned and popular of the monks, assumed the character of patriarch of Antioch; his nephew Abraham, at the head of the Maronites, defended their civil and religious freedom against the tyrants of the East. The son of the orthodox Constantine pursued, with pious hatred, a people of soldiers, who might have stood the bulwark of his empire against the common foes of Christ and of Rome. An army of Greeks invaded Syria; the monastery of St. Maron was destroyed with fire; the bravest chieftains were betrayed and murdered, and twelve thousand of their followers were transplanted to the distant frontiers of Armenia and Thrace. Yet the humble nation of the Maronites has survived the empire of Constantinople, and they still enjoy, under their Turkish masters, a free religion and a mitigated servitude. Their domestic governors are chosen among the ancient nobility; the patriarch, in his monastery of Canobin, still fancies himself on the throne of Antioch; nine bishops compose his synod, and one hundred and fifty priests, who retain the liberty of marriage, are entrusted with the care of one hundred thousand souls. Their country extends from the ridge of mount Libanus to the shores of Tripoli; and the gradual descent affords, in a narrow space, each variety of soil and climate, from the Holy Cedars, erect under the weight of snow†, to the vine, the mulberry, and the olive trees of the fruitful valley. In the twelfth century, the Maronites, ab-

* Theophanes (Chron. p. 295, 296, 300, 302, 306.) and Cedrenus (p. 437, 440.) relate the exploits of the Mardaites: the name (*Mard*, in Syriac *rebellavit*) is explained by La Roque (Voyage de la Syrie, tom. ii. p. 53.); the dates are fixed by Pagi (A.D. 676, No. 4—14. A.D. 685, No. 3, 4.); and even the obscure story of the patriarch John Maron (Asseman. Bibliot. Orient. tom. i. p. 496—520.) illustrates, from the year 680 to 707, the troubles of mount Libanus.

† In the last century twenty large cedars still remained (Voyage de la Roque, tom. i. p. 68—76.); at present they are reduced to four or five (Volney, tom. i. p. 264.). These trees, so famous in scripture, were guarded by excommunication; the wood was sparingly borrowed for small crosses, &c.; an annual mass was chaunted under their shade; and they were endowed by the Syrians with a sensitive power of erecting their branches to repel the snow, to which mount Libanus is less faithful than it is painted by Tacitus: *inter ardores opacum fidumque nivibus*—a daring metaphor (Hist. v. 6.).

juring the Monothelite error, were reconciled to the Latin churches of Antioch and Rome*, and the same alliance has been frequently renewed by the ambition of the popes and the distress of the Syrians. But it may reasonably be questioned, whether their union has ever been perfect or sincere; and the learned Maronites of the college of Rome have vainly laboured to absolve their ancestors from the guilt of heresy and schism†.

IV. Since the age of Constantine, the ARMENIANS‡ had signalised their attachment to the religion and empire of the Christians. The disorders of their country, and their ignorance of the Greek tongue, prevented their clergy from assisting at the synod of Chalcedon, and they floated eighty-four years§ in a state of indifference or suspense till their vacant faith was finally occupied by the missionaries of Julian of Helicarnassus||, who in Egypt, their common exile, had been vanquished by the arguments or the influence of his rival Severus, the Monophysite Patriarch of Antioch. The Armenians alone are the pure disciples of

* The evidence of William of Tyre (*Hist. in Gestis Dei per Francos*, l. xii. c. 8. p. 1022.) is occupied or confirmed by Jacques de Vitra (*Hist. Hierosolym.* l. ii. c. 77. p. 1093, 1094.). But this unnatural league expired with the power of the Franks; and Abulpharagius (who died in 1286) considers the Maronites as a sect of Monothelites (*Bibliot. Orient.* tom. ii. p. 292.).

† I find a description and history of the Maronites in the *Voyage de la Syrie et du Mont Liban par la Roque* (2 vols. in 12mo. Amsterdam, 1723; particularly tom. i. p. 42—47. p. 174—184. tom. ii. p. 10—120.). In the ancient part, he copies the prejudices of Nairon and the other Maronites of Rome, which Assemanus is afraid to renounce, and ashamed to support Jablonski (*Institut. Hist. Christ.* tom. iii. p. 186.), Niebuhr (*Voyage de l'Arabie, &c.* tom. ii. p. 346. 370—381.), and, above all, the judicious Volney (*Voyage en Egypte et en Syrie*, tom. ii. p. 8—31. Paris, 1787), may be consulted.

‡ The religion of the Armenians is briefly described by La Croze (*Hist. du Christ. de l'Europe & de l'Amenie*, p. 269—402.). He refers to the great Armenian History of Galanus (3 vols. in fol. Rome, 1650—1661.) and commends the state of Armenia in the third volume of the *Nouveaux Memoires des Missions du Levant*. The work of a Jesuit must have sterling merit when it is praised by La Croze.

§ The schism of the Armenians is placed 84 years after the council of Chalcedon (Pagi, *Critica*, ad A.D. 555.). It was consummated at the end of seventeen years; and it is from the year of Christ 552 that we date the era of the Armenians (*l'Art de verifier les Dates*, p. xxxv.).

|| The sentiments and success of Julian of Helicarnassus may be seen in Liberatus (*Brev. c. 19.*), Renaudot (*Hist. Patriarch. Alex.* p. 132. 333.), and Assemanus (*Bibliot. Orient.* tom. ii. *Dissertat. de Monophysitis*, p. viii. p. 236.).

Lutyches, an unfortunate parent who has been renounced by the greater part of his spiritual progeny. They alone persevere in the opinion, that the manhood of Christ was created, or existed without creation, of a divine and incorruptible substance. Their adversaries reproach them with the adoration of a phantom; and they retort the accusation, by deriding or execrating the blasphemy of the Jacobites, who impute to the Godhead the vile infirmities of the flesh, even the natural effects of nutrition and digestion. The religion of Armenia could not derive much glory from the learning or the power of its inhabitants. The royalty expired with the origin of their schism, and their Christian kings, who arose and fell in the thirteenth century on the confines of Cilicia, were the clients of the Latins and the vassals of the Turkish sultan of Iconium. The helpless nation has seldom been permitted to enjoy the tranquillity of servitude. From the earliest period to the present hour, Armenia has been the theatre of perpetual war; the lands between Tauris and Erivan were dispeopled by the cruel policy of the Sophies; and myriads of Christian families were transplanted, to perish or to propagate in the distant provinces of Persia. Under the rod of oppression, the zeal of the Armenians is fervent and intrepid: they have often preferred the crown of martyrdom to the white turban of Mahomet; they devoutly hate the error and idolatry of the Greeks; and their transient union with the Latins is not less devoid of truth, than the thousand bishops whom their patriarch offered at the feet of the Roman pontiff*. The *catholic*, or patriarch of the Armenians, resides in the monastery of Ekmiasin, three leagues from Erivan. Forty-seven archbishops, each of whom may claim the obedience of four or five suffragans, are consecrated by his hand; but the far greater part are only titular prelates, who dignify with their presence and service the simplicity of his court. As soon as they have performed the liturgy, they cultivate the garden; and our bishops will hear with surprise, that

* See a remarkable fact of the xiith century in the History of Nicetas Choniates (p. 258.). Yet three hundred years before, Photius (Epistol. ii. p. 49. edit. Montacut) had gloried in the conversion of the Armenians—
 ἡμεῖς οὐ μόνον οὐδέποτε.

the austerity of their life increases in just proportion to the elevation of their rank. In the fourscore thousand towns or villages of his spiritual empire, the patriarch receives a small and voluntary tax from each person above the age of fifteen; but the annual amount of six hundred thousand crowns is insufficient to supply the incessant demands of charity and tribute. Since the beginning of the last century, the Armenians have obtained a large and lucrative share of the commerce of the East: in their return from Europe, the caravan usually halts in the neighbourhood of Erivan, the altars are enriched with the fruits of their patient industry; and the faith of Eutyches is preached in their recent congregations of Barbary and Poland*.

V. In the rest of the Roman empire, the despotism of the prince might eradicate or silence the sectaries of an obnoxious creed. But the stubborn temper of the Egyptians maintained their opposition to the synod of Chalcedon, and the policy of Justinian condescended to expect and to seize the opportunity of discord. The Monophysite church of Alexandria† was torn by the disputes of the *corruptibles* and *incorruptibles*, and on the death of the patriarch, the two factions upheld their respective candidates‡. Gaian was the disciple of Julian, Theodosius had been the pupil of Severus: the claims of the former were supported by the consent of the monks and senators, the city and the province; the latter depended on the priority of his ordination, the favour of the empress Theodora, and the arms of the eunuch Narses, which might have been used in more honourable warfare. The exile of the popular candidate to Carthage and Sardinia, inflamed the ferment of Alexandria, and after a schism of one hundred and seventy years, the

* The travelling Armenians are in the way of every traveller, and their mother church is on the high road between Constantinople and Ispahan. for their present state, see Fabricius (*Lux Evangelii*, &c. c. xxxviii. p. 40—51.), Olearius (*l. iv. c. 40.*), Chardin (*vol. ii. p. 282.*), Tournefort (*lettre xx.*), and, above all, Tavernier (*tom. i. p. 28—37. 510—518.*), that rambling jeweller, who had read nothing, but had seen so much and so well.

† The history of the Alexandrian patriarchs, from Dioscorus to Benjamin, is taken from Renaudot (*p. 114—164.*), and the second tome of the *Annals of Eutychius*.

‡ *Liberat. Brev. c. 20. 23. Victor. Chron. p. 329, 330. Procop. Anecd. c. 26, 27.*

Gaianites still revered the memory and doctrine of their founder. The strength of numbers and of discipline was tried in a desperate and bloody conflict; the streets were filled with the dead bodies of citizens and soldiers; the pious women, ascending the roofs of their houses, showered down every sharp or ponderous utensil on the heads of the enemy; and the final victory of Narses was owing to the flames, with which he wasted the third capital of the Roman world. But the lieutenant of Justinian had not conquered in the cause of an heretic; Theodosius himself was speedily, though gently, removed; and Paul of Tanis, an orthodox monk, was raised to the throne of Athanasius. The powers of government were strained in his support; he might appoint or displace the dukes and tribunes of Egypt; the allowance of bread which Diocletian had granted, was suppressed, the churches were shut, and a nation of schismatics was deprived at once of their spiritual and carnal food. In his turn, the tyrant was excommunicated by the zeal and revenge of the people; and none except his servile Melchites would salute him as a man, a Christian, or a bishop. Yet such is the blindness of ambition, that when Paul was expelled on a charge of murder, he solicited, with a bribe of seven hundred pounds of gold, his restoration to the same station of hatred and ignominy. His successor Apollinaris entered the hostile city in military array, alike qualified for prayer or for battle. His troops, under arms, were distributed through the streets; the gates of the cathedral were guarded, and a chosen band was stationed in the choir, to defend the person of their chief. He stood erect on his throne, and throwing aside the upper garment of a warrior, suddenly appeared before the eyes of the multitude in the robes of patriarch of Alexandria. Astonishment held them mute; but no sooner had Apollinaris begun to read the tome of St. Leo, than a volley of curses, and invectives, and stones, assaulted the odious minister of the emperor and the synod. A charge was instantly sounded by the successor of the apostles; the soldiers waded to their knees in blood; and two hundred thousand Christians are said to have fallen by the sword: an incredible account, even if it be extended from the slaughter of a day to the eighteen

years of the reign of Apollinaris. Two succeeding patriarchs, Eulogius* and John†, laboured in the conversion of heretics, with arms and arguments more worthy of their evangelical profession. The theological knowledge of Eulogius was displayed in many a volume, which magnified the errors of Eutyches and Severus, and attempted to reconcile the ambiguous language of St. Cyril with the orthodox creed of pope Leo and the fathers of Chalcedon. The bounteous alms of John the eleemosynary were dictated by superstition, or benevolence, or policy. Seven thousand five hundred poor were maintained at his expence; on his accession, he found eight thousand pounds of gold in the treasury of the church; he collected ten thousand from the liberality of the faithful; yet the primate could boast in his testament, that he left behind him no more than the third part of the smallest of the silver coins. The churches of Alexandria were delivered to the Catholics, the religion of the Monophysites was proscribed in Egypt, and a law was revived which excluded the natives from the honours and emoluments of the state.

A more important conquest still remained, of the patriarch, the oracle and leader of the Egyptian church. Theodosius had resisted the threats and promises of Justinian with the spirit of an apostle or an enthusiast. "Such," replied the patriarch, "were the offers of the tempter when he shewed
" the kingdoms of the earth. But my soul is far dearer to
" me than life or dominion. The churches are in the hands
" of a prince who can kill the body; but my conscience is
" my own; and in exile, poverty, or chains, I will stedfastly
" adhere to the faith of my holy predecessors, Athanasius,

* Eulogius, who had been a monk of Antioch, was more conspicuous for subtlety than eloquence. He proves that the enemies of the faith, the Gaianites and Theodosians, ought not to be reconciled; that the same proposition may be orthodox in the mouth of St. Cyril, heretical in that of Severus; that the opposite assertions of St. Leo are equally true, &c. His writings are no longer extant, except in the extracts of Photius, who had perused them with care and satisfaction, cod. ccviii. ccxxv, ccxxvi, ccxxvii. ccxxx. cclxxx.

† See the life of John the eleemosynary by his contemporary Leontius, bishop of Neapolis in Cyprus, whose Greek text, either lost or hidden, is reflected in the Latin version of Baronius (A.D. 610, No. 9. A.D. 620, No. 8.). Pagi (*Critica*, tom. ii. p. 763.) and Fabricius (*A. v. c. li. tom. vii. p. 454.*) have made some critical observations.

“Cyril, and Dioscorus. Anathema to the tome of Leo and the synod of Chalcedon ! Anathema to all who embrace their creed ! Anathema to them now and for evermore ! Naked came I out of my mother’s womb, naked shall I descend into the grave. Let those who love God, follow me and seek their salvation.” After comforting his brethren, he embarked for Constantinople, and sustained, in six successive interviews, the almost irresistible weight of the royal presence. His opinions were favourably entertained in the palace and the city ; the influence of Theodora assured him a safe conduct and honourable dismissal ; and he ended his days, though not on the throne, yet in the bosom, of his native country. On the news of his death, Apollinaris indecently feasted the nobles and the clergy ; but his joy was checked by the intelligence of a new election ; and while he enjoyed the wealth of Alexandria, his rivals reigned in the monasteries of Thebais, and were maintained by the voluntary oblations of the people. A perpetual succession of patriarchs arose from the ashes of Theodosius ; and the Monophysite churches of Syria and Egypt were united by the name of Jacobites and the communion of the faith. But the same faith, which has been confined to a narrow sect of the Syrians, was diffused over the mass of the Egyptian or Coptic nation ; who, almost unanimously, rejected the decrees of the synod of Chalcedon. A thousand years were now elapsed since Egypt had ceased to be a kingdom, since the conquerors of Asia and Europe had trampled on the ready necks of a people, whose ancient wisdom and power ascend beyond the records of history. The conflict of zeal and persecution rekindled some sparks of their national spirit. They abjured, with a foreign heresy, the manners and language of the Greeks : every Melchite, in their eyes, was a stranger, every Jacobite a citizen ; the alliance of marriage, the offices of humanity, were condemned as a deadly sin ; the natives renounced all allegiance to the emperor ; and his orders at a distance from Alexandria, were obeyed only under the pressure of military force. A generous effort might have redeemed the religion and liberty of Egypt, and her six hundred monasteries might have poured forth their myriads of holy warriors, for whom death should have no terrors, since life had no comfort

or delight. But experience has proved the distinction of active and passive courage; the fanatic who endures without a groan the torture of the rack or the stake, would tremble and fly before the face of an armed enemy. The pusillanimous temper of the Egyptians could only hope for a change of masters; the arms of Chosroes depopulated the land, yet under his reign the Jacobites enjoyed a short and precarious respite. The victory of Heraclius renewed and aggravated the persecutions; and the patriarch again escaped from Alexandria to the desert. In his flight Benjamin was encouraged by a voice, which bade him expect, at the end of ten years, the aid of a foreign nation, marked like the Egyptians themselves with the ancient rite of circumcision. The character of these deliverers, and the nature of the deliverance, will be hereafter explained; and I shall step over the interval of eleven centuries to observe the present misery of the Jacobites of Egypt. The populous city of Cairo affords a residence or rather a shelter for their indigent patriarch, and a remnant of ten bishops: forty monasteries have survived the inroads of the Arabs; and the progress of servitude and apostacy has reduced the Coptic nation to the despicable number of twenty-five or thirty thousand families*; a race of illiterate beggars, whose only consolation is derived from the superior wretchedness of the Greek patriarch, and his diminutive congregation†.

VI. The Coptic patriarch, a rebel to the Cæsars, or a slave to the khalifs, still gloried in the filial obedience of the kings of Nubia and Æthiopia. He repaid their homage by mag-

* This number is taken from the curious *Recherches sur les Egyptiens et les Chinois* (tom. ii. p. 192, 193.), and appears more probable than the 600,000 ancient, or 15,000 modern, Copts of Gemelli Carreri. Cyril Lucar, the protestant patriarch of Constantinople, laments that those heretics were ten times more numerous than his orthodox Greeks, ingeniously applying the *πολλὰ καὶ δικάδῃ διωκόμενοι* of Homer (*Iliad* ii. 128.), the most perfect expression of contempt (Fabric. *Lux Evangelii*. 740.).

† The history of the Copts, their religion, manners, &c. may be found in the Abbé Renaudot's motley work, neither a translation nor an original; the *Chronicon Orientale* of Peter, a Jacobite; in the two versions of Abraham Ecchellensis, Paris, 1661; and John Simon Asseman, Venice, 1799. These annals descend no lower than the ninth century. The more recent accounts must be searched for in the travellers into Egypt, and the *Nouveaux Memoires des Missions de Levant*. In the last century, Joseph Abudacnus, a native of Cairo, published at Oxford, in thirty pages, a slight *Historia Jacobitarum*, 147. post 150.

affirming their greatness; and it was boldly asserted that they could bring into the field an hundred thousand horse, with an equal number of camels*; that their hand could pour out or restrain the waters of the Nile†; and the peace and plenty of Egypt was obtained, even in this world, by the intercession of the patriarch. In exile at Constantinople, Theodosius recommended to his patroness the conversion of the black nations of Nubia‡, from the tropic of Cancer to the confines of Abyssinia. Her design was suspected and emulated by the more orthodox emperor. The rival missionaries, a Melchite and a Jacobite, embarked at the same time; but the empress, from a motive of love or fear, was more effectually obeyed; and the Catholic priest was detained by the president of Thebais, while the king of Nubia and his court were hastily baptised in the faith of Dioscorus. The tardy envoy of Justinian was received and dismissed with honour; but when he accused the heresy and treason of the Egyptians, the negro convert was instructed to reply that he would never abandon his brethren the true believers, to the persecuting ministers of the synod of Chalcedon§. During several ages, the bishops of Nubia were named and consecrated by the Jacobite patriarch of Alexandria: as late as the twelfth century, Christianity prevailed; and some rites, some ruins, are still visible in the savage towns of Sennaar and Dongola||.

* About the year 737. See Renaudot, *Hist. Patriarch. Alex.* p. 221, 222. Elmacin, *Hist. Saracen.* p. 99.

† Ludolph, *Hist. Ethiopic. et Comment.* l. i. c. 8. Renaudot, *Hist. Patriarch. Alex.* p. 480, &c. This opinion, introduced into Egypt and Europe by the artifice of the Copts, the pride of the Abyssinians, the fear and ignorance of the Turks and Arabs, has not even the semblance of truth. The rains of Ethiopia do not, in the increase of the Nile, consult the will of the monarch. If the river approaches at Napata, within three days' journey of the Red Sea (see d'Anville's Maps), a canal that should divert its course would demand, and most probably surpass, the power of the Castors.

‡ The Abyssinians, who still preserve the features and olive complexion of the Arabs, afford a proof that two thousand years are not sufficient to change the colour of the human race. The Nubians, an African race, are pure negroes, as black as those of Senegal or Congo, with flat noses, thick lips, and woolly hair (Buffon, *Hist. Naturelle*, tom. v. p. 117. 143, 144. 166. 219. edit. in 1780. Paris, 1780). The ancients beheld, without much attention, the extraordinary phenomenon which has exercised the philosophers and theologians of modern times.

§ Asseman, *Bibliot. Orient.* tom. i. p. 329.

|| The Christianity of the Nubians, A. D. 1153, is attested by the sheriff

But the Nubians at length executed their threats of returning to the worship of idols; the climate required the indulgence of polygamy, and they have finally preferred the triumph of the Koran to the abasement of the Cross. A metaphysical religion may appear too refined for the capacity of the negro race: yet a black or a parrot might be taught to repeat the words of the Chalcedonian or Monophysite creed.

Christianity was more deeply rooted in the Abyssinian empire; and, although the correspondence has been sometimes interrupted above seventy or an hundred years, the mother-church of Alexandria retains her colony in a state of perpetual pupillage. Seven bishops once composed the Ethiopic synod: had their number amounted to ten, they might have elected an independent primate; and one of their kings was ambitious of promoting his brother to the ecclesiastical throne. But the event was foreseen, the increase was denied; the episcopal office has been gradually confined to the *abuna**, the head and author of the Abyssinian priesthood; the patriarch supplies each vacancy with an Egyptian monk; and the character of a stranger appears more venerable in the eyes of the people, less dangerous in those of the monarch. In the sixth century, when the schism of Egypt was confirmed, the rival chiefs, with their patrons, Justinian and Theodora, strove to outstrip each other in the conquest of a remote and independent province. The industry of the empress was again victorious, and the pious Theodora has established in that sequestered church the faith and discipline of the Jacobites†. Encompassed on all sides by

al Edrisi, falsely described under the name of the Nubian geographer (p. 18.), who represents them as a nation of Jacobites. The rays of historical light that twinkle in the history of Renaudot (p. 178, 220—224, 281—286, 405, 434, 451, 464.) are all previous to this æra. See the modern state in the *Lettres Edifiantes* (Recueil, iv.) and Busching (tom. ix. p. 152—159, par Berenger).

* The *abuna* is improperly dignified by the Latins with the title of patriarch. The Abyssinians acknowledge only the four patriarchs, and their chief is no more than a metropolitan or national primate (Ludolph. *Hist. Æthiop. et Comment.* l. iii. c. 7.). The seven bishops of Renaudot (p. 511.), who existed A. D. 1181, are unknown to the historian.

† I know not why Assemanus (*Bibliot. Orient.* tom. ii. p. 384) should call in question these probable missions of Theodora into Nubia and Ethiopia. The slight notices of Abyssinia till the year 1500 are supplied by Renaudot (p. 336—341, 381, 382, 405, 443, &c. 462, 466, 463, 473).

the enemies of their religion. the Æthiopians slept near a thousand years, forgetful of the world, by whom they were forgotten. They were awakened by the Portuguese, who, turning the southern promontory of Africa, appeared in India and the Red Sea, as if they had descended through the air from a distant planet. In the first moments of their interview, the subjects of Rome and Alexandria observed the resemblance, rather than the difference, of their faith: and each nation expected the most important benefits from an alliance with their Christian brethren. In their lonely situation, the Æthiopians had almost relapsed into the savage life. Their vessels, which had traded to Ceylon, scarcely presumed to navigate the rivers of Africa; the ruins of Axume were deserted, the nation was scattered in villages, and the emperor (a pompous name) was content, both in peace and war, with the immoveable residence of a camp. Conscious of their own indigence, the Abyssinians had formed the rational project of importing the arts and ingenuity of Europe*; and their ambassadors at Rome and Lisbon were instructed to solicit a colony of smiths, carpenters, tilers, masons, printers, surgeons, and physicians, for the use of their country. But the public danger soon called for the instant and effectual aid of arms and soldiers to defend an unwarlike people from the Barbarians who ravaged the inland country, and the Turks and Arabs who advanced from the sea-coast in more formidable array. Æthiopia was saved by four hundred and fifty Portuguese, who displayed in the field the native valour of Europeans, and the artificial powers of the musquet and cannon. In a moment of terror, the emperor had promised to reconcile himself and his subjects to the Catholic faith; a Latin patriarch represented the supremacy of the pope†;

480. 511. 525. 559—564.) from the Coptic writers. The mind of Ludolphus was a perfect blank.

* Ludolph. *Hist. Æthiop.* l. iv. c. 5. The most necessary arts are now exercised by the Jews, and the foreign trade is in the hands of the Armenians. What Gregory principally admired and envied was the industry of Europe—*artes et opificia*.

† John Bermudez, whose relation, printed at Lisbon, 1569, was translated into English by Purchas (*Pilgrims*, l. vii. c. 7. p. 1149, &c.) and from thence into French by La Croze (*Christianisme d'Ethiopie*, p. 92—265.). The piece is curious; but the author may be suspected of deceiving Abyssinia, Rome, and Portugal. His title to the rank of patriarch is dark and doubtful (*Ludolph. Comment.* No. 101. p. 473.).

the empire, enlarged in a tenfold proportion, was supposed to contain more gold than the mines of America; and the wildest hopes of avarice and zeal were built on the willing submission of the Christians of Africa.

But the vows which pain had extorted, were forsworn on the return of health. The Abyssinians still adhered with unshaken constancy to the Monophysite faith; their languid belief was inflamed by the exercise of dispute; they branded the Latins with the names of Arians and Nestorians, and imputed the adoration of *four* gods, to those who separated the two natures of Christ. Fremona, a place of worship, or rather of exile, was assigned to the Jesuit missionaries. Their skill in the liberal and mechanic arts, their theological learning, and the decency of their manners, inspired a barren esteem; but they were not endowed with the gift of miracles*, and they vainly solicited a reinforcement of European troops. The patience and dexterity of forty years at length obtained a more favourable audience, and two emperors of Abyssinia were persuaded that Rome could ensure the temporal and everlasting happiness of her votaries. The first of these royal converts lost his crown and his life; and the rebel army was sanctified by the *abuna*, who hurled an anathema at the apostate, and absolved his subjects from their oath of fidelity. The fate of Zadenghel was revenged by the courage and fortune of Susneus, who ascended the throne under the name of Segued, and more vigorously prosecuted the pious enterprise of his kinsman. After the amusement of some unequal combats between the Jesuits and his illiterate priests, the emperor declared himself a proselyte to the synod of Chalcedon, presuming that his clergy and people would embrace without delay the religion of their prince. The liberty of choice was succeeded by a law, which imposed, under pain of death, the belief of the two natures of Christ: the Abyssinians were enjoined to work and to play on the Sabbath; and Segued, in the face of Europe and Africa,

* *Religio Romana . . . nec precibus patrum nec miraculis ab ipsis editis suffulciebatur*, is the uncontradicted assurance of the devout emperor Susneus to his patriarch Mendez (Ludolph. Comment. No. 126. p. 529.); and such assurances should be precious kept, as an antidote against any marvellous legends.

Announced his connection with the Alexandrian church. A Jesuit, Alphonso Mendez, the Osthio patriarch of Ethiopia, accepted in the name of Urban VIII. the homage and abjuration of his penitent. "I confess," said the emperor on his knees, "I confess that the pope is the vicar of Christ, the successor of St. Peter, and the sovereign of the world. To him I swear true obedience, and at his feet I offer my person and kingdom." A similar oath was repeated by his son, his brother, the clergy, the nobles, and even the ladies of the court: the Latin patriarch was invested with honours and wealth; and his missionaries erected their churches or citadels in the most convenient stations of the empire. The Jesuits themselves deplore the fatal indiscretion of their chief, who forgot the mildness of the gospel, and the policy of his order, to introduce with hasty violence the liturgy of Rome and the inquisition of Portugal. He condemned the ancient practice of circumcision, which health, rather than superstition had first invented in the climate of Ethiopia*. A new baptism, a new ordination was inflicted on the natives: and they trembled with horror when the most holy of the dead were torn from their graves, when the most illustrious of the living were excommunicated by a foreign priest. In the defence of their religion and liberty, the Abyssinians rose in arms, with desperate but unsuccessful zeal. Five rebellions were extinguished in the blood of the insurgents; two abunas were slain in battle, whole legions were slaughtered in the field, or suffocated in their caverns; and neither merit, nor rank, nor sex, could save from an ignominious death the enemies of Rome. But the victorious monarch was finally subdued by the constancy of the nation, of his mother, of his son, and of his most faithful friends. Segued listened to the voice of pity, of reason, perhaps of fear; and his edict

* I am aware how tender is the question of circumcision. Yet I will affirm, 1. That the Ethiopians have a physical reason for the circumcision of males, and even of females (*Recherches Philosophiques sur les Isles Americaines*, tom. ii.). 2. That it was practised in Ethiopia long before the introduction of Judaism or Christianity (*Herodot.* l. ii. c. 104. *Marsham*, *Canon. Chron.* p. 72, 73.). "Infantes circumcidunt ob consuetudinem non ob Judaismum," says Gregory the Abyssinian priest (*apud Fabric. Lux Christiana*, p. 720.). Yet, in the heat of dispute, the Portuguese were sometimes branded with the name of *uncircumcised* (*La Croze*, p. 80. *Ludolph. Hist. and Comment.* l. iii. c. 1.).

of liberty of conscience instantly revealed the tyranny and weakness of the Jesuits. On the death of his father, Basilides expelled the Latin patriarch, and restored to the wishes of the nation, the faith and the discipline of Egypt. The Monophysite churches resounded with a song of triumph, "that the sheep of Æthiopia were now delivered from the hyænas of the West;" and the gates of that solitary realm were for ever shut against the arts, the science, and the fanaticism of Europe*.

* The three protestant historians, Ludolphus (*Hist. Æthiopica*, Francofurt. 1681; *Commentarius*, 1691; *Relatio Nova*, &c. 1693, in folio), Geddes (*Church History of Æthiopia*, London, 1696, in 8vo.), and La Croze (*Hist. du Christianisme d'Ethiopie et d'Armenie*, La Haye, 1739, in 12mo.), have drawn their principal materials from the Jesuits, especially from the *General History of Tellez*, published in Portuguese at Conimbra, 1660. We might be surprised at their frankness; but their most flagitious vice, the spirit of persecution, was in their eyes the most meritorious virtue. Ludolphus possessed some, though a slight, advantage from the Æthiopic language, and the personal conversation of Gregory, a free-spirited Abyssinian priest, whom he invited from Rome to the court of Saxe-Gotha. See the *Theologia Æthiopica* of Gregory, in Fabricius, *Lux Evangelii*, p. 716—784.

CHAP. XLVIII.

Plan of the remaining Part of this Work.—Succession and Characters of the Greek Emperors of Constantinople, from the Time of Heraclius to the Latin Conquest.

I HAVE NOW deduced from Trajan to Constantine, from Constantine to Heraclius, the regular series of the Roman emperors; and faithfully exposed the prosperous and adverse fortunes of their reigns. Five centuries of the decline and fall of the empire have already elapsed; but a period of more than eight hundred years still separates me from the term of my labours, the taking of Constantinople by the Turks. Should I persevere in the same course, should I observe the same measure, a prolix and slender thread would be spun through many a volume, nor would the patient reader find an adequate reward of instruction or amusement. At every step as we sink deeper in the decline and fall of the Eastern empire, the annals of each succeeding reign would impose a more ungrateful and melancholy task. These annals must continue to repeat a tedious and uniform tale of weakness and misery; the natural connection of causes and events would be broken by frequent and hasty transitions, and a minute accumulation of circumstances must destroy the light and effect of those general pictures which compose the use and ornament of a remote history. From the time of Heraclius, the Byzantine theatre is contracted and darkened: the line of empire, which had been defined by the laws of Justinian and the arms of Belisarius, recedes on all sides from our view: the Roman name, the proper subject of our inquiries, is reduced to a narrow corner of Europe, to the lonely suburbs of Constantinople; and the fate of the Greek empire has been compared to that of the Rhine, which loses itself in the sands, before its waters can mingle with the ocean. The scale of dominion is diminished to our view by the distance of time and place: nor is the loss of external splendour compensated

3 HISTORY OF THE DECLINE AND FALL

by the nobler gifts of virtue and genius. In the last moments of her decay, Constantinople was doubtless more opulent and populous than Athens at her most flourishing æra, when a scanty sum of six thousand talents, or twelve hundred thousand pounds sterling, was possessed by twenty-one thousand male citizens of an adult age. But each of these citizens was a freeman who dared to assert the liberty of his thoughts, words, and actions; whose person and property were guarded by equal law, and who exercised his independent vote in the government of the republic. Their numbers seem to be multiplied by the strong and various discriminations of character: under the shield of freedom, on the wings of emulation and vanity, each Athenian aspired to the level of the national dignity: from this commanding eminence, some chosen spirits soared beyond the reach of a vulgar eye; and the chances of superior merit in a great and populous kingdom, as they are proved by experience, would excuse the computation of imaginary millions. The territories of Athens, Sparta, and their allies, do not exceed a moderate province of France or England: but after the trophies of Salamis and Platæa, they expand in our fancy to the gigantic size of Asia, which had been trampled under the feet of the victorious Greeks. But the subjects of the Byzantine empire, who assume and dishonour the names both of Greeks and Romans, present a dead uniformity of abject vices, which are neither softened by the weakness of humanity, nor animated by the vigour of memorable crimes. The freemen of antiquity might repeat with generous enthusiasm the sentence of Homer, "that on the first day of his servitude, the captive is deprived of one half of his manly virtue." But the poet had only seen the effects of civil or domestic slavery, nor could he foretell that the second moiety of manhood must be annihilated by the spiritual despotism, which shackles not only the actions, but even the thoughts of the prostrate votary. By this double yoke, the Greeks were oppressed under the successors of Héraclius; the tyrant, a law of eternal justice, was degraded by the vices of his subjects; and on the throne, in the camp, in the schools, we search, perhaps with fruitless diligence, the names and characters that may deserve to be rescued from oblivion. Nor are the defects of the subject

compensated by the skill and variety of the painters. Of a space of eight hundred years, the four first centuries are overspread with a cloud interrupted by some faint and broken rays of historic light: in the lives of the emperors, from Maurice to Alexius, Basil the Macedonian has alone been the theme of a separate work; and the absence, or loss, or imperfection of contemporary evidence, must be poorly supplied by the doubtful authority of more recent compilers. The four last centuries are exempt from the reproach of penury: and with the Comnenian family, the historic muse of Constantinople again revives, but her apparel is gaudy, her motions are without elegance or grace. A succession of priests, or courtiers, treads in each other's footsteps in the same path of servitude and superstition; their views are narrow, their judgment is feeble or corrupt; and we close the volume of copious barrenness, still ignorant of the causes of events, the characters of the actors, and the manners of the times, which they celebrate or deplore. The observation which has been applied to a man, may be extended to a whole people, that the energy of the sword is communicated to the pen; and it will be found by experience that the tone of history will rise or fall with the spirit of the age.

From these considerations, I should have abandoned without regret the Greek slaves and their servile historians, had I not reflected, that the fate of the Byzantine monarchy is *passively* connected with the most splendid and important revolutions which have changed the state of the world. The space of the lost provinces was immediately replenished with new colonies and rising kingdoms: the active virtues of peace and war deserted from the vanquished to the victorious nations; and it is in their origin and conquests, in their religion and government, that we must explore the causes and effects of the decline and fall of the Eastern empire. Nor will this scope of narrative, the riches and variety of these materials, be incompatible with the unity of design and composition. As, in his daily prayers, the Musulman of Fez or Delhi still turns his face towards the temple of Mecca, the historian's eye shall be always fixed on the city of Constantinople. The excursive line may embrace the wilds of Arabia

HISTORY OF THE DECLINE AND FALL

and Tartary, but the circle will be ultimately reduced to the decreasing limit of the Roman monarchy.

On this principle I shall now establish the plan of the remaining part of the present work. The first chapter will contain, in a regular series, the emperors who reigned at Constantinople during a period of six hundred years, from the days of Heraclius to the Latin conquest: a rapid abstract, which may be supported by a *general* appeal to the order and text of the original historians. In this introduction, I shall confine myself to the revolutions of the throne, the succession of families, the personal characters of the Greek princes, the mode of their life and death, the maxims and influence of their domestic government, and the tendency of their reign to accelerate or suspend the downfall of the Eastern empire. Such a chronological review will serve to illustrate the various argument of the subsequent chapters; and each circumstance of the eventful story of the Barbarians will adapt itself in a proper place to the Byzantine annals. The internal state of the empire, and the dangerous heresy of the P^{au}licians, which shook the East and enlightened the West, will be the subject of two separate chapters; but these inquiries must be postponed till our farther progress shall have opened the view of the world in the ninth and tenth centuries of the Christian *æra*. After this foundation of the Byzantine history, the following nations will pass before our eyes, and each will occupy the space to which it may be entitled by greatness or merit, or the degree of connection with the Roman world and the present age. I. The FRANKS; a general appellation which includes all the Barbarians of France, Italy, and Germany, who were united by the sword and sceptre of Charlemagne. The persecution of images and their votaries, separated Rome and Italy from the Byzantine throne, and prepared the restoration of the Roman empire in the West. II. The ARABS OR SARACENS. Three ample chapters will be devoted to this curious and interesting object. In the first, after a picture of the country and its inhabitants, I shall investigate the character of Mahomet; the character, religion, and success of the prophet. In the second, I shall lead the Arabs to the conquest of Syria, Egypt,

and Africa, the provinces of the Roman empire; nor can I check their victorious career till they have overthrown the monarchies of Persia and Spain. In the third, I shall inquire how Constantinople and Europe were saved by the luxury and arts, the division and decay, of the empire of the caliphs. A single chapter will include, III. The BULGARIANS, IV. HUNGARIANS, and V. RUSSIANS, who assaulted by sea or by land the provinces and the capital; but the last of these, so important in their present greatness, will excite some curiosity in their origin and infancy. VI. The NORMANS; or rather the private adventures of that warlike people, who founded a powerful kingdom in Apulia and Sicily, shook the throne of Constantinople, displayed the trophies of chivalry, and almost realized the wonders of romance. VII. The LATINS; the subjects of the pope, the nations of the West, who enlisted under the banner of the cross for the recovery or relief of the holy sepulchre. The Greek emperors were terrified and preserved by the myriads of pilgrims who marched to Jerusalem with Godfrey of Bouillon and the peers of Christendom. The second and third crusades trod in the footsteps of the first: Asia and Europe were mingled in a sacred war of two hundred years; and the Christian powers were bravely resisted, and finally expelled, by Saladin and the Mamelukes of Egypt. In these memorable crusades, a fleet and army of French and Venetians were diverted from Syria to the Thracian Bosphorus; they assaulted the capital, they subverted the Greek monarchy: and a dynasty of Latin princes was seated near threescore years on the throne of Constantine. VIII. The GREEKS themselves, during this period of captivity and exile, must be considered as a foreign nation; the enemies, and again the sovereigns, of Constantinople. Misfortune had rekindled a spark of national virtue; and the Imperial series may be continued with some dignity from their restoration to the Turkish conquest. IX. The MOGULS and TARTARS. By the arms of Zingis and his descendants, the globe was shaken from China to Poland and Greece; the sultans were overthrown: the caliphs fell, and the Cæsars trembled on their throne. The victories of Timour suspended above fifty years the final ruin of the Byzantine empire. X. I have already

STORY OF THE DECLINE AND FALL

noticed the first appearance of the *TURKS*, and the names of the fathers, of *Seljuk* and *Othman*, discriminate the two successive dynasties of the nation, which emerged in the eleventh century from the Scythian wilderness. The former established a potent and splendid kingdom from the banks of the Oxus to Antioch and Nice; and the first crusade was provoked by the violation of Jerusalem and the danger of Constantinople. From an humble origin, the *Ottomans* arose, the scourge and terror of Christendom. Constantinople was besieged and taken by Mahomet II. and his triumph annihilates the remnant, the image, the title of the Roman empire in the East. The schism of the Greeks will be connected with their last calamities, and the restoration of learning in the Western world. I shall return from the captivity of the new, to the ruins of ancient ROME; and the venerable name, the interesting theme, will shed a ray of glory on the conclusion of my labours.

THE emperor Heraclius had punished a tyrant and ascended his throne; and the memory of his reign is perpetuated by the transient conquest, and irreparable loss, of the Eastern provinces. After the death of Eudocia, his first wife, he disobeyed the patriarch, and violated the laws, by his second marriage with his niece Martina; and the superstition of the Greeks beheld the judgment of heaven in the diseases of the father and the deformity of his offspring. But the opinion of an illegitimate birth is sufficient to distract the choice, and loosen the obedience, of the people: the ambition of Martina was quickened by maternal love, and perhaps by the envy of a step-mother; and the aged husband was too feeble to withstand the arts of conjugal allurements. Constantine, his eldest son, enjoyed in a mature age the title of Augustus; but the weakness of his constitution required a colleague and a guardian, and he yielded with secret reluctance to the partition of the empire. The senate was summoned to the palace to ratify or attest the association of Heraclionas, the son of Martina: the imposition of the diadem was consecrated by

the prayer and blessing of the patriarch; the senators and patricians adored the majesty of the great emperor and the partners of his reign; and as soon as the doors were thrown open, they were hailed by the tumultuary but important voice of the soldiers. After an interval of five months, the pompous ceremonies which formed the essence of the Byzantine state were celebrated in the cathedral and the hippodrome: the concord of the royal brothers was affectingly displayed by the younger leaning on the arm of the elder; and the name of Martina was mingled in the reluctant or venal acclamations of the people. Heraclius survived this association about two years: his last testimony declared his two sons the equal heirs of the Eastern empire, and commanded them to honour his widow Martina as their mother and their sovereign.

When Martina first appeared on the throne with the name and attributes of royalty, she was checked by a firm, though respectful opposition; and the dying embers of freedom were kindled by the breath of superstitious prejudice. "We reverence," exclaimed the voice of a citizen, "we reverence the mother of our princes; but to those princes alone our obedience is due; and Constantine, the elder emperor, is of an age to sustain, in his own hands, the weight of the sceptre. Your sex is excluded by nature from the toils of government. How could you combat, how could you answer, the Barbarians, who, with hostile or friendly intentions, may approach the royal city? May heaven avert from the Roman republic this national disgrace, which would provoke the patience of the slaves of Persia." Martina descended from the throne with indignation, and sought a refuge in the female apartment of the palace. The reign of Constantine the third lasted only one hundred and three days: he expired in the thirtieth year of his age, and although his life had been a long malady, a belief was entertained that poison had been the means, and his cruel step-mother the author, of his untimely fate. Martina reaped indeed the harvest of his death, and assumed the government in the name of the surviving emperor; but the incestuous widow of Heraclius was universally abhorred; the jealousy of the people was

181 HISTORY OF THE DECLINE AND FALL

awaited the two orphans whom Constantine had left, became the objects of the public care. It was in vain that the son of Martina, who was no more than fifteen years of age, was taught to declare himself the guardian of his nephews, one of whom he had presented at the baptismal font; it was in vain that he swore on the wood of the true cross, to defend them against all their enemies. On his death-bed, the late emperor dispatched a trusty servant to arm the troops and provinces of the East in the defence of his helpless children: the eloquence and liberality of Valentin had been successful, and from his camp of Chalcedon, he boldly demanded the punishment of the assassins, and the restoration of the lawful heir. The licence of the soldiers who devoured the grapes and drank the wine of their Asiatic vineyards, provoked the citizens of Constantinople against the domestic authors of their calamities, and the dome of St. Sophia re-echoed, not with prayers and hymns, but with the clamours and imprecations of an enraged multitude. At their imperious command, Heracleonas appeared in the pulpit with the eldest of the royal orphans; Constans alone was saluted as emperor of the Romans, and a crown of gold, which had been taken from the tomb of Heraclius, was placed on his head, with the solemn benediction of the patriarch. But in the tumult of joy and indignation, the church was pillaged, the sanctuary was polluted by a promiscuous crowd of Jews and Barbarians; and the Monothelite Pyrrhus, a creature of the empress, after dropping a protestation on the altar, escaped by a prudent flight from the zeal of the Catholics. A more serious and bloody task was reserved for the senate, who derived a temporary strength from the consent of the soldiers and people. The spirit of Roman freedom revived the ancient and awful examples of the judgment of tyrants, and the Imperial culprits were deposed and condemned as the authors of the death of Constantine. But the severity of the conscript fathers was stained by the indiscriminate punishment of the innocent and the guilty: Martina and Heracleonas were sentenced to the amputation, the former of her tongue, the latter of his nose; and after this cruel execution, they consumed the remainder of their days in exile and oblivion.

The Greeks who were capable of reflection might find some consolation for their servitude, by observing the abuse of power when it was lodged for a moment in the hands of an aristocracy.

We shall imagine ourselves transported five hundred years backwards to the age of the Antonines, if we listen to the oration which Constans II. pronounced in the twelfth year of his age before the Byzantine senate. After returning his thanks for the just punishment of the assassins who had intercepted the fairest hopes of his father's reign, "By the
"divine providence," said the young emperor, "and by
"your righteous decree, Martina and her incestuous progeny
"have been cast headlong from the throne. Your majesty
"and wisdom have prevented the Roman state from degenerating into lawless tyranny. I therefore exhort and
"beseech you to stand forth as the counsellors and judges of
"the common safety." The senators were gratified by the respectful address and liberal donative of their sovereign; but these servile Greeks were unworthy and regardless of freedom; and in his mind, the lesson of an hour was quickly erased by the prejudices of the age and the habits of despotism. He retained only a jealous fear lest the senate or people should one day invade the right of primogeniture, and seat his brother Theodosius on an equal throne. By the imposition of holy orders, the grandson of Herachus was disqualified for the purple; but this ceremony, which seemed to profane the sacraments of the church, was insufficient to appease the suspicions of the tyrant, and the death of the deacon Theodosius could alone expiate the crime of his royal birth. His murder was avenged by the imprecations of the people, and the assassin, in the fulness of power, was driven from his capital into voluntary and perpetual exile. Constans embarked for Greece; and, as if he meant to retort the abhorrence which he deserved, he is said, from the Imperial galley, to have spit against the walls of his native city. After passing the winter at Athens, he sailed to Tarentum in Italy, visited Rome, and concluded a long pilgrimage of disgrace and sacrilegious rapine, by fixing his residence at Syracuse. But if Constans could fly from his people, he could not fly from himself. The

birth had given him the command of millions, of whom the smallest community would not have chosen him for their local magistrate. His favourite ministers were two beings the least susceptible of human sympathy, an eunuch and a monk; to the one he abandoned the palace, to the other the finances; the former corrected the emperor's mother with a scourge, the latter suspended the insolvent tributaries, with their heads downwards, over a slow and smoaky fire. Since the days of Commodus and Caracalla, the cruelty of the Roman princes had most commonly been the effect of their fear; but Justinian, who possessed some vigour of character, enjoyed the sufferings, and braved the revenge, of his subjects about ten years, till the measure was full, of his crimes and of their patience. In a dark dungeon, Leontius, a general of reputation, had groaned above three years with some of the noblest and most deserving of the patricians: he was suddenly drawn forth to assume the government of Greece; and this promotion of an injured man was a mark of the contempt rather than of the confidence of his prince. As he was followed to the port by the kind offices of his friends, Leontius observed with a sigh that he was a victim adorned for sacrifice, and that inevitable death would pursue his footsteps. They ventured to reply, that glory and empire might be the recompence of a generous resolution; that every order of men abhorred the reign of a monster; and that the hands of two hundred thousand patriots expected only the voice of a leader. The night was chosen for their deliverance; and in the first effort of the conspirators, the præfect was slain, and the prisons were forced open: the emissaries of Leontius proclaimed in every street, " Christians, to St. Sophia;" and the seasonable text of the patriarch, " this " is the day of the Lord !" was the prelude of an inflammatory sermon. From the church the people adjourned to the hippodrome: Justinian, in whose cause not a sword had been drawn, was dragged before these tumultuary judges, and their clamours demanded the instant death of the tyrant. But Leontius, who was already clothed with the purple, cast an eye of pity on the prostrate son of his own benefactor and of so many emperors. The life of Justinian

was spared; the amputation of his nose, perhaps of his tongue, was imperfectly performed: the happy flexibility of the Greek language could impose the name of Rhinotmetus; and the mutilated tyrant was banished to Chersonæ in Crim-Tartary, a lonely settlement, where corn, wine, and oil, were imported as foreign luxuries.

On the edge of the Scythian wilderness, Justinian still cherished the pride of his birth and the hope of his restoration. After three years exile, he received the pleasing intelligence that his injury was avenged by a second revolution, and that Leontius in his turn had been dethroned and mutilated by the rebel Aptimar, who assumed the more respectable name of Tiberius. But the claim of lineal succession was still formidable to a plebeian usurper; and his jealousy was stimulated by the complaints and charges of the Chersonites, who beheld the vices of the tyrant in the spirit of the exile. With a band of followers, attached to his person by common hope or common despair, Justinian fled from the inhospitable shore to the hord of the Chozars, who pitched their tents between the Tanais and Borysthenes. The khan entertained with pity and respect the royal suppliant: Phanagoria, once an opulent city, on the Asiatic side of the lake Mæotis, was assigned for his residence; and every Roman prejudice was stifled in his marriage with the sister of the Barbarian, who seems, however, from the name of Theodora, to have received the sacrament of baptism. But the faithless Chozar was soon tempted by the gold of Constantinople; and had not the design been revealed by the conjugal love of Theodora, her husband must have been assassinated, or betrayed into the power of his enemies. After strangling, with his own hands, the two emissaries of the Khan, Justinian sent back his wife to her brother, and embarked on the Euxine in search of new and more faithful allies. His vessel was assaulted by a violent tempest; and one of his pious companions advised him to deserve the mercy of God by a vow of general forgiveness, if he should be restored to the throne. "Of forgiveness?" replied the intrepid tyrant; "may I perish this instant—may the Almighty whirl me in the waves—if I consent to spare a single head of my enemies!" He survived this impious

menace, sailed into the mouth of the Danube, trusted his person in the royal village of the Bulgarians, and purchased the aid of Terbelis, a Pagan conqueror, by the promise of his daughter and a fair partition of the treasures of the empire. The Bulgarian kingdom extended to the confines of Thrace; and the two princes besieged Constantinople at the head of fifteen thousand horse. Apsimar was dismayed by the sudden and hostile apparition of his rival, whose head had been promised by the Chozar, and of whose evasion he was yet ignorant. After an absence of ten years, the crimes of Justinian were faintly remembered, and the birth and misfortunes of their hereditary sovereign excited the pity of the multitude, ever discontented with the ruling powers; and by the active diligence of his adherents he was introduced into the city and palace of Constantine.

In rewarding his allies and recalling his wife, Justinian displayed some sense of honour and gratitude; and Terbelis retired, after sweeping away an heap of gold coin, which he measured with his Scythian whip. But never was vow more religiously performed than the sacred oath of revenge which he had sworn amidst the storms of the Euxine. The two usurpers, for I must reserve the name of tyrant for the conqueror, were dragged into the hippodrome, the one from his prison, the other from his palace. Before their execution, Leontius and Apsimar were cast prostrate in chains beneath the throne of the emperor; and Justinian, planting a foot on each of their necks, contemplated above an hour the chariot-race, while the inconstant people shouted, in the words of the Psalmist, "Thou shalt trample on the asp and basilisk, and on the lion and dragon shalt thou set thy foot!" The universal defection which he had once experienced might provoke him to repeat the wish of Caligula, that the Roman people had but one head. Yet I shall presume to observe, that such a wish is unworthy of an ingenious tyrant, since his revenge and cruelty would have been extinguished by a single blow, instead of the slow variety of tortures which Justinian inflicted on the victims of his anger. His pleasures were inexhaustible: neither private virtue nor public service could expiate the guilt of active, or even passive, obedience to an established

government; and during the six years of his new reign, he considered the axe, the cord, and the rack, as the only instruments of royalty. But his most implacable hatred was pointed against the Chersonites, who had insulted his exile and violated the laws of hospitality. Their remote situation afforded some means of defence, or at least of escape; and a grievous tax was imposed on Constantinople, to supply the preparations of a fleet and army. "All are guilty, and all must perish," was the mandate of Justinian; and the bloody execution was entrusted to his favourite Stephen, who was recommended by the epithet of the savage. Yet even the savage Stephen imperfectly accomplished the intentions of his sovereign. The slowness of his attack allowed the greater part of the inhabitants to withdraw into the country; and the minister of vengeance contented himself with reducing the youth of both sexes to a state of servitude, with roasting alive seven of the principal citizens, with drowning twenty in the sea, and with reserving forty-two in chains to receive their doom from the mouth of the emperor. In their return, the fleet was driven on the rocky shores of Anatolia; and Justinian applauded the obedience of the Euxine, which had involved so many thousands of his subjects and enemies in a common shipwreck: but the tyrant was still insatiate of blood; and a second expedition was commanded to extirpate the remains of the proscribed colony. In the short interval, the Chersonites had returned to their city, and were prepared to die in arms; the khan of the Chozars had renounced the cause of his odious brother; the exiles of every province were assembled in Tauris; and Bardanes, under the name of Philippicus, was invested with the purple. The Imperial troops, unwilling and unable to perpetrate the revenge of Justinian, escaped his displeasure by abjuring his allegiance: the fleet, under their new sovereign, steered back a more auspicious course to the harbours of Sinope and Constantinople; and every tongue was prompt to pronounce, every hand to execute, the death of the tyrant. Destitute of friends, he was deserted by his Barbarian guards; and the stroke of the assassin was praised as an act of patriotism and Roman virtue. His son Tiberius had taken refuge in a church; his aged grandmother guarded

the door; and the innocent youth, suspending round his neck the most formidable relics, embraced with one hand the altar, with the other the wood of the true cross. But the popular fury that dares to trample on superstition, is deaf to the cries of humanity; and the race of Heraclius was extinguished after a reign of one hundred years.

Between the fall of the Heraclian and the rise of the Isaurian dynasty, a short interval of six years is divided into three reigns. Bardanes, or Philippicus, was hailed at Constantinople as an hero who had delivered his country from a tyrant; and he might taste some moments of happiness in the first transports of sincere and universal joy. Justinian had left behind him an ample treasure, the fruit of cruelty and rapine: but this useful fund was soon and idly dissipated by his successor. On the festival of his birth-day, Philippicus entertained the multitude with the games of the hippodrome; from thence he paraded through the streets with a thousand banners and a thousand trumpets; refreshed himself in the baths of Zeuxippus, and, returning to the palace, entertained his nobles with a sumptuous banquet. At the meridian hour he withdrew to his chamber, intoxicated with flattery and wine, and forgetful that his example had made every subject ambitious, and that every ambitious subject was his secret enemy. Some bold conspirators introduced themselves in the disorder of the feast; and the slumbering monarch was surprised, bound, blinded, and deposed, before he was sensible of his danger. Yet the traitors were deprived of their reward; and the free voice of the senate and people promoted Artemius from the office of secretary to that of emperor: he assumed the title of Anastasius the second, and displayed in a short and troubled reign the virtues both of peace and war. But, after the extinction of the Imperial line, the rule of obedience was violated, and every change diffused the seeds of new revolutions. In a mutiny of the fleet, an obscure and reluctant officer of the revenue was forcibly invested with the purple: after some months of a naval war, Anastasius resigned the sceptre; and the conqueror, Theodosius the third, submitted in his turn to the superior ascendant of Leo, the general and emperor of the Oriental troops. His two pre-

decessors were permitted to embrace the ecclesiastical profession: the restless impatience of Anastasius tempted him to risk and to lose his life in a treasonable enterprise; but the last days of Theodosius were honourable and secure. The single sublime word, "HEALTH," which he inscribed on his tomb, expresses the confidence of philosophy or religion; and the fame of his miracles was long preserved among the people of Ephesus. This convenient shelter of the church might sometimes impose a lesson of clemency; but it may be questioned whether it is for the public interest to diminish the perils of unsuccessful ambition.

I have dwelt on the fall of a tyrant; I shall briefly represent the founder of a new dynasty, who is known to posterity by the invectives of his enemies, and whose public and private life is involved in the ecclesiastical story of the Iconoclasts. Yet in spite of the clamours of superstition, a favourable prejudice for the character of Leo the Isaurian, may be reasonably drawn from the obscurity of his birth, and the duration of his reign.—I. In an age of manly spirit, the prospect of an Imperial reward would have kindled every energy of the mind, and produced a crowd of competitors as deserving as they were desirous to reign. Even in the corruption and debility of the modern Greeks, the elevation of a plebeian from the last to the first rank of society, supposes some qualifications above the level of the multitude. He would probably be ignorant and disdainful of speculative science; and, in the pursuit of fortune, he might absolve himself from the obligations of benevolence and justice: but to his character we may ascribe the useful virtues of prudence and fortitude, the knowledge of mankind, and the important art of gaining their confidence and directing their passions. It is agreed that Leo was a native of Isauria, and that Conon was his primitive name. The writers, whose awkward satire is praise, describe him as an itinerant pedlar, who drove an ass with some paltry merchandise to the country fairs; and foolishly relate that he met on the road some Jewish fortune-tellers, who promised him the Roman empire, on condition that he should abolish the worship of idols. A more probable account relates the migration of his father from Asia Minor to Thrace, where

he exercised the lucrative trade of a grazier; and he must have acquired considerable wealth, since the first introduction of his son was procured by a supply of five hundred sheep to the Imperial camp. His first service was in the guards of Justinian, where he soon attracted the notice, and by degrees the jealousy, of the tyrant. His valour and dexterity were conspicuous in the Colchian war: from Anastasius he received the command of the Anatolian legions, and by the suffrage of the soldiers he was raised to the empire with the general applause of the Roman world.—II. In this dangerous elevation, Leo the third supported himself against the envy of his equals, the discontent of a powerful faction, and the assaults of his foreign and domestic enemies. The Catholics, who accuse his religious innovations, are obliged to confess that they were undertaken with temper and conducted with firmness. Their silence respects the wisdom of his administration and the purity of his manners. After a reign of twenty-four years, he peaceably expired in the palace of Constantinople; and the purple which he had acquired, was transmitted by the right of inheritance to the third generation.

In a long reign of thirty-four years, the son and successor of Leo, Constantine the fifth, surnamed Copronymus, attacked with less temperate zeal the images or idols of the church. Their votaries have exhausted the bitterness of religious gall, in their portrait of this spotted panther, this antichrist, this flying dragon of the serpent's seed, who surpassed the vices of Elagabalus and Nero. His reign was a long butchery of whatever was most noble, or holy, or innocent, in his empire. In person, the emperor assisted at the execution of his victims, surveyed their agonies, listened to their groans, and indulged, without satiating, his appetite for blood: a plate of noses was accepted as a grateful offering, and his domestics were often scourged or mutilated by the royal hand. His surname was derived from his pollution of his baptismal font. The infant might be excused; but the manly pleasures of Copronymus degraded him below the level of a brute; his lust confounded the eternal distinctions of sex and species; and he seemed to extract some unnatural delight from the objects most offensive to human sense. In

his religion, the Iconoclast was an Heretic, a Jew, a Mahometan, a Pagan, and an Atheist; and his belief of an invisible power could be discovered only in his magic rites, human victims, and nocturnal sacrifices to Venus and the dæmons of antiquity. His life was stained with the most opposite vices, and the ulcers which covered his body, anticipated before his death the sentiment of hell-tortures. Of these accusations, which I have so patiently copied, a part is refuted by its own absurdity; and in the private anecdotes of the life of princes, the lie is more easy as the detection is more difficult. Without adopting the pernicious maxim, that where much is alleged, something must be true, I can however discern, that Constantine the fifth was dissolute and cruel. Calumny is more prone to exaggerate than to invent; and her licentious tongue is checked in some measure by the experience of the age and country to which she appeals. Of the bishops and monks, the generals and magistrates, who are said to have suffered under his reign, the numbers are recorded, the names were conspicuous, the execution was public, the mutilation visible and permanent. The Catholics hated the person and government of Copronymus; but even their hatred is a proof of their oppression. They dissemble the provocations which might excuse or justify his rigour, but even these provocations must gradually inflame his resentment, and harden his temper in the use or the abuse of despotism. Yet the character of the fifth Constantine was not devoid of merit, nor did his government always deserve the curses or the contempt of the Greeks. From the confession of his enemies, I am informed of the restoration of an ancient aqueduct, of the redemption of two thousand five hundred captives, of the uncommon plenty of the times, and of the new colonies with which he repopled Constantinople and the Thracian cities. They reluctantly praise his activity and courage; he was on horseback in the field at the head of his legions; and, although the fortune of his arms was various, he triumphed by sea and land, on the Euphrates and the Danube, in civil and Barbarian war. Heretical praise must be cast into the scale, to counterbalance the weight of orthodox invective. The Iconoclasts revered the virtues of

the prince: forty years after his death, they still prayed before the tomb of the saint. A miraculous vision was propagated by fanaticism or fraud: and the Christian hero appeared on a milk-white steed, brandishing his lance against the pagans of Bulgaria: "An absurd fable," says the Catholic historian, "since Copronymus is chained with the "dæmons in the abyss of hell."

Leo the fourth, the son of the fifth and the father of the sixth Constantine, was of a feeble constitution both of mind and body, and the principal care of his reign was the settlement of the succession. The association of the young Constantine was urged by the officious zeal of his subjects: and the emperor, conscious of his decay, complied, after a prudent hesitation, with their unanimous wishes. The royal infant, at the age of five years, was crowned with his mother Irene; and the national consent was ratified by every circumstance of pomp and solemnity, that could dazzle the eyes, or bind the conscience, of the Greeks. An oath of fidelity was administered in the palace, the church, and the hippodrome, to the several orders of the state, who adjured the holy names of the son, and mother, of God. "Be witness, O Christ! that we will watch over the safety of Constantine the son of Leo, expose our lives in his service, and bear true allegiance to his person and posterity." They pledged their faith on the wood of the true cross, and the act of their engagement was deposited on the altar of St. Sophia. The first to swear, and the first to violate their oath, were the five sons of Copronymus by a second marriage; and the story of these princes is singular and tragic. The right of primogeniture excluded them from the throne; the injustice of their elder brother defrauded them of a legacy of about two millions sterling; some vain titles were not deemed a sufficient compensation for wealth and power; and they repeatedly conspired against their nephew, before and after the death of his father. Their first attempt was pardoned; for the second offence they were condemned to the ecclesiastical state: and for the third treason, Nicephorus, the eldest and most guilty, was deprived of his eyes, and his four brothers, Christopher, Nicetas, Anthemeus, and Endoxas, were punished, as a milder sentence, by the am-

putation of their tongues. After five years confinement, they escaped to the church of St. Sophia, and displayed a pathetic spectacle to the people. "Countrymen and Christians," cried Nicephorus for himself and his mute brethren, "behold the sons of your emperor, if you can still recognize our features in this miserable state. A life, an imperfect life, is all that the malice of our enemies has spared. It is now threatened, and we now throw ourselves on your compassion." The rising murmur might have produced a revolution, had it not been checked by the presence of a minister, who soothed the unhappy princes with flattery and hope, and gently drew them from the sanctuary to the palace. They were speedily embarked for Greece, and Athens was allotted for the place of their exile. In this calm retreat, and in their helpless condition, Nicephorus and his brothers were tormented by the thirst of power, and tempted by a Slavonian chief, who offered to break their prison, and to lead them in arms, and in the purple, to the gates of Constantinople. But the Athenian people, ever zealous in the cause of Irene, prevented her justice or cruelty; and the five sons of Copronymus were plunged in eternal darkness and oblivion. •

For himself, that emperor had chosen a Barbarian wife, the daughter of the khan of the Chozars: but in the marriage of his heir, he preferred an Athenian virgin, an orphan, seventeen years old, whose sole fortune must have consisted in her personal accomplishments. The nuptials of Leo and Irene were celebrated with royal pomp; she soon acquired the love and confidence of a feeble husband, and in his testament he declared the empress, guardian of the Roman world, and of their son Constantine the sixth, who was no more than ten years of age. During his childhood, Irene most ably and assiduously discharged, in her public administration, the duties of a faithful mother; and her zeal in the restoration of images has deserved the name and honours of a saint, which she still occupies in the Greek calendar. But the emperor attained the maturity of youth; the maternal yoke became more grievous; and he listened to the favourites of his own age, who shared his pleasures, and were ambitious of sharing his power. Their reasons

convinced him of his right, their praises of his ability, to reign; and he consented to reward the services of Irene by a perpetual banishment to the isle of Sicily. But her vigilance and penetration easily disconcerted their rash projects: a similar, or more severe, punishment was retaliated on themselves and their advisers; and Irene inflicted on the ungrateful prince the chastisement of a boy. After this contest, the mother and the son were at the head of two domestic factions; and, instead of mild influence and voluntary obedience, she held in chains a captive and an enemy. The empress was overthrown by the abuse of victory; the oath of fidelity which she exacted to herself alone, was pronounced with reluctant murmurs; and the bold refusal of the Armenian guards encouraged a free and general declaration, that Constantine the sixth was the lawful emperor of the Romans. In this character he ascended his hereditary throne, and dismissed Irene to a life of solitude and repose. But her haughty spirit condescended to the arts of dissimulation: she flattered the bishops and eunuchs, revived the filial tenderness of the prince, regained his confidence, and betrayed his credulity. The character of Constantine was not destitute of sense or spirit; but his education had been studiously neglected; and his ambitious mother exposed to the public censure the vices which she had nourished, and the actions which she had secretly advised: his divorce and second marriage offended the prejudices of the clergy, and by his imprudent rigour he forfeited the attachment of the Armenian guards. A powerful conspiracy was formed for the restoration of Irene; and the secret, though widely diffused, was faithfully kept above eight months, till the emperor, suspicious of his danger, escaped from Constantinople, with the design of appealing to the provinces and armies. By this hasty flight, the empress was left on the brink of the precipice; yet before she implored the mercy of her son, Irene addressed a private epistle to the friends whom she had placed about his person, with a menace, that unless *they* accomplished, *she* would reveal, their treason. Their fear rendered them intrepid; they seized the emperor on the Asiatic shore, and he was transported to the porphyry apartment of the palace, where he had first seen the light.

In the mind of Irene, ambition had stifled every sentiment of humanity and nature; and it was decreed in her bloody council, that Constantine should be rendered incapable of the throne: her emissaries assaulted the sleeping prince, and stabbed their daggers with such violence and precipitation into his eyes, as if they meant to execute a mortal sentence. An ambiguous passage of Theophanes persuaded the annalist of the church that death was the immediate consequence of this barbarous execution. The Catholics have been deceived or subdued by the authority of Baronius; and protestant zeal has re-echoed the words of a cardinal, desirous, as it should seem, to favour the patroness of images. Yet the blind son of Irene survived many years, oppressed by the court and forgotten by the world: the Isaurian dynasty was silently extinguished; and the memory of Constantine was recalled only by the nuptials of his daughter Euphrosyne with the emperor Michael the second.

The most bigoted orthodoxy has justly execrated the unnatural mother, who may not easily be paralleled in the history of crimes. To her bloody deed, superstition has attributed a subsequent darkness of seventeen days; during which many vessels in mid-day were driven from their course, as if the sun, a globe of fire so vast and so remote, could sympathise with the atoms of a revolving planet. On earth, the crime of Irene was left five years unpunished; her reign was crowned with external splendour; and if she could silence the voice of conscience, she neither heard nor regarded the reproaches of mankind. The Roman world bowed to the government of a female; and as she moved through the streets of Constantinople, the reins of four milk-white steeds were held by as many patricians, who marched on foot before the golden chariot of their queen. But these patricians were for the most part eunuchs; and their black ingratitude justified, on this occasion, the popular hatred and contempt. Raised, enriched, entrusted with the first dignities of the empire, they basely conspired against their benefactress: the great treasurer Nicephorus was secretly invested with the purple; her successor was introduced into the palace, and crowned at St. Sophia by the venal patriarch. In their first interview, she recapitulated with dig-

nity the revolutions of her life, gently accused the perfidy of Nicephorus, insinuated that he owed his life to her unsuspecting clemency, and, for the throne and treasures which she resigned, solicited a decent and honourable retreat. His avarice refused this modest compensation; and, in her exile of the isle of Lesbos, the empress earned a scanty subsistence by the labours of her distaff.

Many tyrants have reigned undoubtedly more criminal than Nicephorus, but none perhaps have more deeply incurred the universal abhorrence of their people. His character was stained with the three odious vices of hypocrisy, ingratitude, and avarice: his want of virtue was not redeemed by any superior talents, nor his want of talents, by any pleasing qualifications. Unskilful and unfortunate in war, Nicephorus was vanquished by the Saracens, and slain by the Bulgarians; and the advantage of his death overbalanced, in the public opinion, the destruction of a Roman army. His son and heir Stauracius escaped from the field with a mortal wound: yet six months of an expiring life were sufficient to refute his indecent, though popular declaration, that he would in all things avoid the example of his father. On the near prospect of his decease, Michael, the great master of the palace, and the husband of his sister Procopia, was named by every person of the palace and city, except by his envious brother. Tenacious of a sceptre now falling from his hand, he conspired against the life of his successor, and cherished the idea of changing to a democracy the Roman empire. But these rash projects served only to inflame the zeal of the people and to remove the scruples of the candidate: Michael the first accepted the purple, and before he sunk into the grave, the son of Nicephorus implored the clemency of his new sovereign. Had Michael in an age of peace ascended an hereditary throne, he might have reigned and died the father of his people: but his mild virtues were adapted to the shade of private life, nor was he capable of controlling the ambition of his equals, or of resisting the arms of the victorious Bulgarians. While his want of ability and success exposed him to the contempt of the soldiers, the masculine spirit of his wife Procopia awakened their indignation. Even the Greeks of

the ninth century were provoked by the insolence of a female, who, in the front of the standards, presumed to direct their discipline and animate their valour; and their licentious clamours advised the new Semiramis to reverence the majesty of a Roman camp. After an unsuccessful campaign, the emperor left, in their winter-quarters of Thrace, a disaffected army under the command of his enemies; and their artful eloquence persuaded the soldiers to break the dominion of the eunuchs, to degrade the husband of Procopia, and to assert the right of a military election. They marched towards the capital: yet the clergy, the senate, and the people of Constantinople, adhered to the cause of Michael; and the troops and treasures of Asia might have protracted the mischiefs of civil war. But his humanity (by the ambitious, it will be termed his weakness) protested, that not a drop of Christian blood should be shed in his quarrel, and his messengers presented the conquerors with the keys of the city and the palace. They were disarmed by his innocence and submission; his life and his eyes were spared; and the Imperial monk enjoyed the comforts of solitude and religion above thirty-two years after he had been stripped of the purple and separated from his wife.

A rebel, in the time of Nicephorus, the famous and unfortunate Bardanes, had once the curiosity to consult an Asiatic prophet, who, after prognosticating his fall, announced the fortunes of his three principal officers, Leo the Armenian, Michael the Phrygian, and Thomas the Cappadocian, the successive reigns of the two former, the fruitless and fatal enterprise of the third. This prediction was verified, or rather was produced, by the event. Ten years afterwards, when the Thracian camp rejected the husband of Procopia, the crown was presented to the same Leo, the first in military rank and the secret author of the mutiny. As he affected to hesitate, "With this sword," said his companion Michael, "I will open the gates of Constantinople to your Imperial way; or instantly plunge it into your bosom, if you obstinately resist the just desires of your fellow-soldiers." The compliance of the Armenian was rewarded with the empire, and he reigned seven years and an half under the name of Leo the fifth. Educated in a camp; and

ignorant both of laws and letters, he introduced into his civil government the rigour and even cruelty of military discipline; but if his severity was sometimes dangerous to the innocent, it was always formidable to the guilty. His religious inconstancy was taxed by the epithet of Chameleon, but the Catholics have acknowledged by the voice of a saint and confessors, that the life of the Iconoclast was useful to the republic. The zeal of his companion Michael was repaid with riches, honours, and military command; and his subordinate talents were beneficially employed in the public service. Yet the Phrygian was dissatisfied at receiving as a favour a scanty portion of the Imperial prize which he had bestowed on his equal; and his discontent, which sometimes evaporated in a hasty discourse, at length assumed a more threatening and hostile aspect against a prince whom he represented as a cruel tyrant. That tyrant, however, repeatedly detected, warned, and dismissed the old companion of his arms, till fear and resentment prevailed over gratitude; and Michael, after a scrutiny into his actions and designs, was convicted of treason, and sentenced to be burnt alive in the furnace of the private baths. The devout humanity of the empress Theophano was fatal to her husband and family. A solemn day, the twenty-fifth of December, had been fixed for the execution: she urged, that the anniversary of the Saviour's birth would be profaned by this inhuman spectacle, and Leo consented with reluctance to a decent respite. But on the vigil of the feast, his sleepless anxiety prompted him to visit at the dead of night the chamber in which his enemy was confined: he beheld him released from his chain, and stretched on his gaoler's bed in a profound slumber: Leo was alarmed at these signs of security and intelligence; but, though he retired with silent steps, his entrance and departure were noticed by a slave who lay concealed in a corner of the prison. Under the pretence of requesting the spiritual aid of a confessor, Michael informed the conspirators, that their lives depended on his discretion, and that a few hours were left to assure their own safety, by the deliverance of their friend and country. On the great festivals, a chosen band of priests and chanters was admitted into the palace by a

private gate to sing matins in the chapel; and Leo, who regulated with the same strictness the discipline of the choir and of the camp, was seldom absent from those early devotions. In the ecclesiastical habit, but with swords under their robes, the conspirators mingled with the procession, lurked in the angles of the chapel, and expected, as the signal of murder, the intonation of the first psalm by the emperor himself. The imperfect light, and the uniformity of dress, might have favoured his escape, while their assault was pointed against an harmless priest; but they soon discovered their mistake, and encompassed on all sides the royal victim. Without a weapon and without a friend, he grasped a weighty cross, and stood at bay against the hunters of his life; but as he asked for mercy, "This is the hour, not of mercy, but of vengeance," was the inexorable reply. The stroke of a well-aimed sword separated from his body the right arm and the cross, and Leo the Armenian was slain at the foot of the altar.

A memorable reverse of fortune was displayed in Michael the second, who, from a defect in his speech, was surnamed the Stammerer. He was snatched from the fiery furnace to the sovereignty of an empire; and as in the tumult a smith could not readily be found, the fetters remained on his legs several hours after he was seated on the throne of the Cæsars. The royal blood which had been the price of his elevation, was unprofitably spent; in the purple he retained the ignoble vices of his origin; and Michael lost his provinces with as supine indifference as if they had been the inheritance of his fathers. His title was disputed by Thomas, the last of the military triumvirate who transported into Europe fourscore thousand Barbarians from the banks of the Tigris and the shores of the Caspian. He formed the siege of Constantinople; but the capital was defended with spiritual and carnal weapons; a Bulgarian king assaulted the camp of the Orientals, and Thomas had the misfortune, or the weakness, to fall alive into the power of the conqueror. The hands and feet of the rebel were amputated; he was placed on an ass, and amidst the insults of the people, was led through the streets, which he sprinkled with his blood. The depravation of manners, as savage as

they were corrupt, is marked by the presence of the emperor himself. Deaf to the lamentations of a fellow-soldier, he incessantly pressed the discovery of more accomplices, till his curiosity was checked by the question of an honest or guilty minister: "Would you give credit to an enemy, against the most faithful of your friends?" After the death of his first wife, the emperor, at the request of the senate, drew from her monastery Euphrosyne, the daughter of Constantine the sixth. Her august birth might justify a stipulation in the marriage-contract, that her children should equally share the empire with their elder brother. But the nuptials of Michael and Euphrosyne were barren; and she was content with the title of mother of Theophilus, his son and successor.

The character of Theophilus is a rare example in which religious zeal has allowed, and perhaps magnified, the virtues of an heretic and a persecutor. His valour was often felt by the enemies, and his justice by the subjects, of the monarchy; but the valour of Theophilus was rash and fruitless, and his justice arbitrary and cruel. He displayed the banner of the cross against the Saracens; but his five expeditions were concluded by a signal overthrow; Amorium, the native city of his ancestors, was levelled with the ground, and from his military toils, he derived only the surname of the Unfortunate. The wisdom of a sovereign is comprised in the institution of laws and the choice of magistrates, and while he seems without action, his civil government revolves round his centre with the silence and order of the planetary system. But the justice of Theophilus was fashioned on the model of the Oriental despots, who, in personal and irregular acts of authority, consult the reason or passion of the moment, without measuring the sentence by the law, or the penalty by the offence. A poor woman threw herself at the emperor's feet to complain of a powerful neighbour, the brother of the empress, who had raised his palace-wall to such an inconvenient height, that her humble dwelling was excluded from light and air! On the proof of the fact, instead of granting, like an ordinary judge, sufficient or ample damages to the plaintiff, the sovereign adjudged to her use and benefit the palace and the ground. Nor was Theophilus

content with this extravagant satisfaction: his zeal converted a civil trespass into a criminal act; and the unfortunate patrician was stripped and scourged in the public place of Constantinople. For some venial offences, some defect of equity or vigilance, the principal ministers, a præfect, a quæstor, a captain of the guards, were banished or mutilated; or scalded with boiling pitch, or burnt alive in the hippodrome; and as these dreadful examples might be the effects of error or caprice, they must have alienated from his service the best and wisest of the citizens. But the pride of the monarch was flattered in the exercise of power, or, as he thought, of virtue; and the people, safe in their obscurity, applauded the danger and debasement of their superiors. This extraordinary rigour was justified, in some measure, by its salutary consequences; since, after a scrutiny of seventeen days, not a complaint or abuse could be found in the court or city: and it might be alleged that the Greeks could be ruled only with a rod of iron, and that the public interest is the motive and law of the supreme judge. Yet in the crime, or the suspicion, of treason, that judge is of all others the most credulous and partial. Theophilus might inflict a tardy vengeance on the assassins of Leo and the saviours of his father; but he enjoyed the fruits of their crime; and his jealous tyranny sacrificed a brother and a prince to the future safety of his life. A Persian of the race of the Sassanides died in poverty and exile at Constantinople, leaving an only son, the issue of a plebeian marriage. At the age of twelve years, the royal birth of Theophobus was revealed, and his merit was not unworthy of his birth. He was educated in the Byzantine palace, a Christian and a soldier; advanced with rapid steps in the career of fortune and glory; received the hand of the emperor's sister; and was promoted to the command of thirty thousand Persians, who, like his father, had fled from the Mahometan conquerors. These troops, doubly infected with mercenary and fanatic vices, were desirous of revolting against their benefactor, and erecting the standard of their native king: but the loyal Theophobus rejected their offers, disconcerted their schemes, and escaped from their hands to the camp or palace of his royal brother. A generous confidence might have secured a faithful and able guardian

for his wife and his infant son, to whom Theophilus, in the flower of his age, was compelled to leave the inheritance of the empire. But his jealousy was exasperated by envy and disease: he feared the dangerous virtues which might either support or oppress their infancy and weakness; and the dying emperor demanded the head of the Persian prince. With savage delight, he recognised the familiar features of his brother: "Thou art no longer Theophobus," he said; and sinking on his couch, he added, with a faltering voice, "Soon, too soon, I shall be no more Theophilus!"

The Russians, who have borrowed from the Greeks the greatest part of their civil and ecclesiastical policy, preserved, till the last century, a singular institution in the marriage of the Czar. They collected, not the virgins of every rank and of every province, a vain and romantic idea, but the daughters of the principal nobles, who awaited in the palace the choice of their sovereign. It is affirmed, that a similar method was adopted in the nuptials of Theophilus. With a golden apple in his hand, he slowly walked between two lines of contending beauties: his eye was detained by the charms of Icasia, and, in the awkwardness of a first declaration, the prince could only observe, that, in this world, women had been the cause of much evil: "And surely, sir," she pertly replied, "they have likewise been the occasion of much good." This affectation of unseasonable wit displeased the Imperial lover: he turned aside in disgust; Icasia concealed her mortification in a convent; and the modest silence of Theodora was rewarded with the golden apple. She deserved the love but did not escape the severity, of her lord. From the palace garden he beheld a vessel deeply laden, and steering into the port: on the discovery that the precious cargo of Syrian luxury was the property of his wife, he condemned the ship to the flames, with a sharp reproach, that her avarice had degraded the character of an empress into that of a merchant. Yet his last choice entrusted her with the guardianship of the empire and her son Michael, who was left an orphan in the fifth year of his age. The restoration of images, and the final extirpation of the Iconoclasts, has endeared her name to the devotion of the Greeks; but in the fervour of religious zeal, Theodora entertained a grateful

regard for the memory and salvation of her husband. After thirteen years of a prudent and frugal administration, she perceived the decline of her influence; but the second Irene imitated only the virtues of her predecessor. Instead of conspiring against the life or government of her son, she retired, without a struggle, though not without a murmur, to the solitude of private life, deploring the ingratitude, the vices, and the inevitable ruin, of the worthless youth.

Among the successors of Nero and Elagabalus, we have not hitherto found the imitation of their vices, the character of a Roman prince who considered pleasure as the object of life, and virtue as the enemy of pleasure. Whatever might have been the maternal care of Theodora in the education of Michael the third, her unfortunate son was a king before he was a man. If the ambitious mother laboured to check the progress of reason, she could not cool the ebullition of passion; and her selfish policy was justly repaid by the contempt and ingratitude of the headstrong youth. At the age of eighteen, he rejected her authority, without feeling his own incapacity to govern the empire and himself. With Theodora, all gravity and wisdom retired from the court; their place was supplied by the alternate dominion of vice and folly; and it was impossible, without forfeiting the public esteem, to acquire or preserve the favour of the emperor. The millions of gold and silver which had been accumulated for the service of the state, were lavished on the vilest of men, who flattered his passions and shared his pleasures; and in a reign of thirteen years, the richest of sovereigns was compelled to strip the palace and the churches of their precious furniture. Like Nero, he delighted in the amusements of the theatre, and sighed to be surpassed in the accomplishments in which he should have blushed to excel. Yet the studious Nero in music and poetry, betrayed some symptoms of a liberal taste; the more ignoble arts of the son of Theophilus were confined to the chariot-race of the hippodrome. The four factions which had agitated the peace, still amused the idleness, of the capital: for himself, the emperor assumed the blue livery; the three rival colours were distributed to his favourites, and in the vile though eager contention he forgot

the dignity of his person and the safety of his dominions. He silenced the messenger of an invasion, who presumed to divert his attention in the most critical moment of the race; and by his command, the importunate beacons were extinguished, that too frequently spread the alarm from Tarsus to Constantinople. The most skilful charioteers obtained the first place in his confidence and esteem; their merit was profusely rewarded; the emperor feasted in their houses, and presented their children at the baptismal font; and while he applauded his own popularity, he affected to blame the cold and stately reserve of his predecessors. The unnatural lusts which had degraded even the manhood of Nero, were banished from the world; yet the strength of Michael was consumed by the indulgence of love and intemperance. In his midnight revels, when his passions were inflamed by wine, he was provoked to issue the most sanguinary commands; and if any feelings of humanity were left, he was reduced, with the return of sense, to approve the salutary disobedience of his servants. But the most extraordinary feature in the character of Michael, is the profane mockery of the religion of his country. The superstition of the Greeks might indeed excite the smile of a philosopher: but his smile would have been rational and temperate, and he must have condemned the ignorant folly of a youth who insulted the objects of public veneration. A buffoon of the court was invested in the robes of the patriarch; his twelve metropolitans, among whom the emperor was ranked, assumed their ecclesiastical garments: they used or abused the sacred vessels of the altar; and in their bacchanalian feasts, the holy communion was administered in a nauseous compound of vinegar and mustard. Nor were these impious spectacles concealed from the eyes of the city. On the day of a solemn festival, the emperor, with his bishops or buffoons, rode on asses through the streets, encountered the true patriarch at the head of his clergy; and by their licentious shouts and obscene gestures, disordered the gravity of the Christian procession. The devotion of Michael appeared only in some offence to reason or piety: he received his theatrical crowns from the statue of the Virgin; and an Imperial tomb was violated for the sake of burning the

bones of Constantine the Iconoclast. By this extravagant conduct, the son of Theophilus became as contemptible as he was odious : every citizen was impatient for the deliverance of his country ; and even the favourites of the moment were apprehensive that a caprice might snatch away what a caprice had bestowed. In the thirtieth year of his age, and in the hour of intoxication and sleep, Michael the third was murdered in his chamber by the founder of a new dynasty, whom the emperor had raised to an equality of rank and power.

The genealogy of Basil the Macedonian (if it be not the spurious offspring of pride and flattery) exhibits a genuine picture of the revolution of the most illustrious families. The Arsacides, the rivals of Rome, possessed the sceptre of the East near four hundred years : a younger branch of these Parthian kings continued to reign in Armenia ; and their royal descendants survived the partition and servitude of that ancient monarchy. Two of these, Artabanus and Chlienes, escaped or retired to the court of Leo the first : his bounty seated them in a safe and hospitable exile, in the province of Macedonia : Adrianople was their final settlement. During several generations they maintained the dignity of their birth ; and their Roman patriotism rejected the tempting offers of the Persian and Arabian powers, who recalled them to their native country. But their splendour was insensibly clouded by time and poverty ; and the father of Basil was reduced to a small farm, which he cultivated with his own hands : yet he scorned to disgrace the blood of the Arsacides by a plebeian alliance : his wife, a widow of Adrianople, was pleased to count among her ancestors, the great Constantine ; and their royal infant was connected by some dark affinity of lineage or country with the Macedonian Alexander. No sooner was he born, than the cradle of Basil, his family, and his city, were swept away by an inundation of the Bulgarians : he was educated a slave in a foreign land ; and in this severe discipline, he acquired the hardiness of body and flexibility of mind which promoted his future elevation. In the age of youth or manhood he shared the deliverance of the Roman captives, who generously broke their fetters, marched through Bulgaria to the

shores of the Euxine, defeated two armies of Barbarians, embarked in the ships which had been stationed for their reception, and returned to Constantinople, from whence they were distributed to their respective homes. But the freedom of Basil was naked and destitute: his farm was ruined by the calamities of war: after his father's death, his manual labour, or service, could no longer support a family of orphans; and he resolved to seek a more conspicuous theatre, in which every virtue and every vice may lead to the paths of greatness. The first night of his arrival at Constantinople, without friends or money, the weary pilgrim slept on the steps of the church of St. Diomede: he was fed by the casual hospitality of a monk; and was introduced to the service of a cousin and namesake of the emperor Theophilus; who, though himself of a diminutive person, was always followed by a train of tall and handsome domestics. Basil attended his patron to the government of Peloponnesus; eclipsed by his personal merit, the birth and dignity of Theophilus, and formed an useful connection with a wealthy and charitable matron of Patras. Her spiritual or carnal love embraced the young adventurer, whom she adopted as her son. Danielis presented him with thirty slaves; and the produce of her bounty was expended in the support of his brothers, and the purchase of some large estates in Macedonia. His gratitude or ambition still attached him to the service of Theophilus; and a lucky accident recommended him to the notice of the court. A famous wrestler, in the train of the Bulgarian ambassadors, had defied, at the royal banquet, the boldest and most robust of the Greeks. The strength of Basil was praised; he accepted the challenge; and the Barbarian champion was overthrown at the first onset. A beautiful but vicious horse was condemned to be hamstrung: it was subdued by the dexterity and courage of the servant of Theophilus; and his conqueror was promoted to an honourable rank in the Imperial stables. But it was impossible to obtain the confidence of Michael, without complying with his vices; and his new favourite, the great chamberlain of the palace, was raised and supported by a disgraceful marriage with a royal concubine, and the dishonour of his sister, who succeeded

to her place. The public administration had been abandoned to the Cæsar Bardas, the brother and enemy of Theodora; but the arts of female influence persuaded Michael to hate and to fear his uncle: he was drawn from Constantinople, under the pretext of a Cretan expedition, and stabbed in the tent of audience, by the sword of the chamberlain, and in the presence of the emperor. About a month after this execution, Basil was invested with the title of Augustus and the government of the empire. He supported this unequal association till his influence was fortified by popular esteem. His life was endangered by the caprice of the emperor; and his dignity was profaned by a second colleague, who had rowed in the galleys. Yet the murder of his benefactor must be condemned as an act of ingratitude and treason; and the churches which he dedicated to the name of St. Michael, were a poor puerile expiation of his guilt.

The different ages of Basil the first, may be compared with those of Augustus. The situation of the Greek did not allow him in his earliest youth to lead an army against his country, or to proscribe the noblest of her sons; but his aspiring genius stooped to the arts of a slave; he dissembled his ambition and even his virtues, and grasped with the bloody hand of an assassin, the empire which he ruled with the wisdom and tenderness of a parent. A private citizen may feel his interest repugnant to his duty; but it must be from a deficiency of sense or courage, that an absolute monarch can separate his happiness from his glory, or his glory from the public welfare. The life or panegyric of Basil has indeed been composed and published under the long reign of his descendants; but even their stability on the throne may be justly ascribed to the superior merit of their ancestor. In his character, his grandson Constantine has attempted to delineate a perfect image of royalty: but that feeble prince, unless he had copied a real model, could not easily have soared so high above the level of his own conduct or conceptions. But the most solid praise of Basil is drawn from the comparison of a ruined and a flourishing monarchy, that which he wrested from the dissolute Michael, and that which he bequeathed to the Macedonian

dynasty. The evils which had been sanctified by time and example, were corrected by his master-hand; and he revived, if not the national spirit, at least the order and majesty of the Roman empire. His application was indefatigable, his temper cool, his understanding vigorous and decisive; and in his practice he observed that rare and salutary moderation, which pursues each virtue, at an equal distance between the opposite vices. His military service had been confined to the palace; nor was the emperor endowed with the spirit or the talents of a warrior. Yet under his reign the Roman arms were again formidable to the Barbarians. As soon as he had formed a new army by discipline and exercise, he appeared in person on the banks of the Euphrates, curbed the pride of the Saracens, and suppressed the dangerous though just revolt of the Manichæans. His indignation against a rebel who had long eluded his pursuit, provoked him to wish and to pray, that, by the grace of God, he might drive three arrows into the head of Chrysochir. That odious head, which had been obtained by treason rather than by valour, was suspended from a tree, and thrice exposed to the dexterity of the Imperial archer: a base revenge against the dead, more worthy of the times, than of the character of Basil. But his principal merit was in the civil administration of the finances and of the laws. To replenish an exhausted treasury, it was proposed to resume the lavish and ill-placed gifts of his predecessor: his prudence abated one moiety of the restitution; and a sum of twelve hundred thousand pounds was instantly procured to answer the most pressing demands, and to allow some space for the mature operations of œconomy. Among the various schemes for the improvement of the revenue, a new mode was suggested of capitation, or tribute, which would have too much depended on the arbitrary discretion of the assessors. A sufficient list of honest and able agents was instantly produced by the minister; but on the more careful scrutiny of Basil himself, only two could be found, who might be safely entrusted with such dangerous powers; and they justified his esteem by declining his confidence. But the serious and successful diligence of the emperor established by degrees an equitable balance of property and pay-

ment, of receipt and expenditure; a peculiar fund was appropriated to each service; and a public method secured the interest of the prince and the property of the people. After reforming the luxury, he assigned two patrimonial estates to supply the decent plenty, of the Imperial table: the contributions of the subject were reserved for his defence; and the residue was employed in the embellishment of the capital and provinces. A taste for building, however costly, may deserve some praise and much excuse; from thence industry is fed, art is encouraged, and some object is attained of public emolument or pleasure: the use of a road, an aqueduct, or an hospital, is obvious and solid; and the hundred churches that arose by the command of Basil, were consecrated to the devotion of the age. In the character of a judge, he was assiduous and impartial; desirous to save, but not afraid to strike: the oppressors of the people were severely chastised; but his personal foes, whom it might be unsafe to pardon, were condemned, after the loss of their eyes, to a life of solitude and repentance. The change of language and manners demanded a revision of the obsolete jurisprudence of Justinian: the voluminous body of his Institutes, Pandects, Code, and Novels, was digested under forty titles, in the Greek idiom; and the *Basilics*, which were improved and completed by his son and grandson, must be referred to the original genius of the founder of their race. This glorious reign was terminated by an accident in the chase. A furious stag entangled his horns in the belt of Basil, and raised him from his horse: he was rescued by an attendant, who cut the belt and slew the animal; but the fall, or the fever, exhausted the strength of the aged monarch, and he expired in the palace, amidst the tears of his family and people. If he struck off the head of the faithful servant, for presuming to draw his sword against his sovereign; the pride of despotism, which had lain dormant in his life, revived in the last moments of despair, when he no longer wanted or valued the opinion of mankind.

Of the four sons of the emperor, Constantine died before his father, whose grief and credulity were amused by a flattering impostor and a vain apparition. Stephen, the

youngest, was content with the honours of a patriarch and a saint; both Leo and Alexander were alike invested with the purple, but the powers of government were solely exercised by the elder brother. The name of Leo the sixth has been dignified with the title of *philosopher*; and the union of the prince and the sage, of the active and speculative virtues, would indeed constitute the perfection of human nature. But the claims of Leo are far short of this ideal excellence. Did he reduce his passions and appetites under the dominion of reason? His life was spent in the pomp of the palace, in the society of his wives and concubines; and even the clemency which he shewed, and the peace which he strove to preserve, must be imputed to the softness and indolence of his character. Did he subdue his prejudices, and those of his subjects? His mind was tinged with the most puerile superstition; the influence of the clergy, and the errors of the people, were consecrated by his laws; and the oracles of Leo, which reveal, in prophetic style, the fates of the empire, are founded on the arts of astrology and divination. If we still inquire the reason of his sage appellation, it can only be replied, that the son of Basil was less ignorant than the greater part of his contemporaries in church and state; that his education had been directed by the learned Photius; and that several books of profane and ecclesiastical science were composed by the pen, or in the name, of the Imperial *philosopher*. But the reputation of his philosophy and religion was overthrown by a domestic vice, the repetition of his nuptials. The primitive ideas of the merit and holiness of celibacy, were preached by the monks and entertained by the Greeks. Marriage was allowed as a necessary means for the propagation of mankind; after the death of either party, the survivor might satisfy, by a *second* union, the weakness or the strength of the flesh: but a *third* marriage was censured as a state of legal fornication; and a *fourth* was a sin or scandal as yet unknown to the Christians of the East. In the beginning of his reign, Leo himself had abolished the state of concubines, and condemned, without annulling, third marriages; but his patriotism and love soon compelled him to violate his own laws, and to incur the penance, which in a similar case he had imposed on his

subjects. In his three first alliances, his nuptial bed was unfruitful; the emperor required a female companion, and the empire a legitimate heir. The beautiful Zoe was introduced into the palace as a concubine; and after a trial of her fecundity, and the birth of Constantine, her lover declared his intention of legitimating the mother and the child, by the celebration of his fourth nuptials. But the patriarch Nicholas refused his blessing: the Imperial baptism of the young prince was obtained by a promise of separation; and the contumacious husband of Zoe was excluded from the communion of the faithful. Neither the fear of exile, nor the desertion of his brethren, nor the authority of the Latin church, nor the danger of failure or doubt in the succession to the empire, could bend the spirit of the inflexible monk. After the death of Leo, he was recalled from exile to the civil and ecclesiastical administration; and the edict of union which was promulgated in the name of Constantine, condemned the future scandal of fourth marriages, and left a tacit imputation on his own birth.

In the Greek language *purple* and *porphyry* are the same word: and as the colours of nature are invariable, we may learn, that a dark deep red was the Tyrian dye which stained the purple of the ancients. An apartment of the Byzantine palace was lined with porphyry: it was reserved for the use of the pregnant empresses; and the royal birth of their children was expressed by the appellation of *porphyrogenite*, or born in the purple. Several of the Roman princes had been blessed with an heir; but this peculiar surname was first applied to Constantine the seventh. His life and titular reign were of equal duration; but of fifty-four years, six had elapsed before his father's death; and the son of Leo was ever the voluntary or reluctant subject of those who oppressed his weakness or abused his confidence. His uncle Alexander, who had long been invested with the title of Augustus, was the first colleague and governor of the young prince: but in a rapid career of vice and folly, the brother of Leo already emulated the reputation of Michael; and when he was extinguished by a timely death, he entertained a project of castrating his nephew, and leaving the empire

to a worthless favourite. The succeeding years of the minority of Constantine were occupied by his mother Zoe, and a succession of council of seven regents, who pursued their interests, gratified their passions, abandoned the republic, supplanted each other, and finally vanished in the presence of a soldier. From an obscure origin, Romanus Lecapenus had raised himself to the command of the naval armies; and in the anarchy of the times, had deserved, or at least had obtained, the national esteem. With a victorious and affectionate fleet, he sailed from the mouth of the Danube into the harbour of Constantinople, and was hailed as the deliverer of the people, and the guardian of the prince. His supreme office was at first defined by the new appellation of father of the emperor; but Romanus soon disdained the subordinate powers of a minister, and assumed, with the titles of Cæsar and Augustus, the full independence of royalty, which he held near five and twenty years. His three sons, Christopher, Stephen, and Constantine, were successively adorned with the same honours, and the lawful emperor was degraded from the first to the fifth rank in this college of princes. Yet, in the preservation of his life and crown, he might still applaud his own fortune and the clemency of the usurper. The examples of ancient and modern history would have excused the ambition of Romanus: the powers and the laws of the empire were in his hand; the spurious birth of Constantine would have justified his exclusion; and the grave or the monastery was open to receive the son of the concubine. But Lecapenus does not appear to have possessed either the virtues or the vices of a tyrant. The spirit and activity of his private life dissolved away in the sunshine of the throne; and in his licentious pleasures, he forgot the safety both of the republic and of his family. Of a mild and religious character, he respected the sanctity of oaths, the innocence of the youth, the memory of his parents, and the attachment of the people. The studious temper and retirement of Constantine, disarmed the jealousy of power: his books and music, his pen and his pencil, were a constant source of amusement; and if he could improve a scanty allowance by the sale of his pictures, if their price was not enhanced by the name of the artist, he was endowed

with a personal talent, which few princes could employ in the hour of adversity.

The fall of Romanus was occasioned by his own vices and those of his children. After the decease of Christopher, his eldest son, the two surviving brothers quarrelled with each other, and conspired against their father. At the hour of noon, when all strangers were regularly excluded from the palace, they entered his apartment with an armed force, and conveyed him, in the habit of a monk, to a small island in the Propontis, which was peopled by a religious community. The rumour of this domestic revolution excited a tumult in the city; but Porphyrogenitus alone, the true and lawful emperor, was the object of the public care; and the sons of Lecapenus were taught, by tardy experience, that they had atchieved a guilty and perilous enterprise for the benefit of their rival. Their sister Helena, the wife of Constantine, revealed, or supposed, their treacherous design of assassinating her husband at the royal banquet. His loyal adherents were alarmed; and the two usurpers were prevented, seized, degraded from the purple, and embarked for the same island and monastery where their father had been so lately confined. Old Romanus met them on the beach with a sarcastic smile, and, after a just reproach of their folly and ingratitude, presented his Imperial colleagues with an equal share of his water and vegetable diet. In the fortieth year of his reign, Constantine the seventh obtained the possession of the Eastern world, which he ruled, or seemed to rule, near fifteen years. But he was devoid of that energy of character which could emerge into a life of action and glory; and the studies which had amused and dignified his leisure, were incompatible with the serious duties of a sovereign. The emperor neglected the practice, to instruct his son Romanus in the theory, of government; while he indulged the habits of intemperance and sloth, he dropt the reins of the administration into the hands of Helena his wife; and, in the shifting scene of her favour and caprice, each minister was regretted in the promotion of a more worthless successor. Yet the birth and misfortunes of Constantine had endeared him to the Greeks; they excused his failings; they respected his learning, his innocence, and

charity, his love of justice; and the ceremony of his funeral was mourned with the unfeigned tears of his subjects. The body, according to ancient custom, lay in state in the vestibule of the palace; and the civil and military officers, the patricians, the senate, and the clergy, approached in due order to adore and kiss the inanimate corpse of their sovereign. Before the procession moved towards the Imperial sepulchre, an herald proclaimed this awful admonition: "Arise O king of the world, and obey the summons of the King of kings!"

The death of Constantine was imputed to poison; and his son Romanus, who derived that name from his maternal grandfather, ascended the throne of Constantinople. A prince who, at the age of twenty, could be suspected of anticipating his inheritance, must have been already lost in the public esteem; yet Romanus was rather weak than wicked; and the largest share of the guilt was transferred to his wife, Theophano, a woman of base origin, masculine spirit, and flagitious manners. The sense of personal glory and public happiness, the true pleasures of royalty, were unknown to the son of Constantine; and while the two brothers, Nicephorus and Leo, triumphed over the Saracens, the hours which the emperor owed to his people were consumed in strenuous idleness. In the morning he visited the circus; at noon he feasted the senators; the greater part of the afternoon he spent in the *sphæristerium*, or tennis-court, the only theatre of his victories; from thence he passed over to the Asiatic side of the Bosphorus, hunted and killed four wild boars of the largest size, and returned to the palace, proudly content with the labours of the day. In strength and beauty he was conspicuous above his equals: tall and straight as a young cypress, his complexion was fair and florid, his eyes sparkling, his shoulders broad, his nose long and aquiline. Yet even these perfections were insufficient to fix the love of Theophano; and, after a reign of four years, she mingled for her husband the same deadly draught which she had composed for his father.

By his marriage with this impious woman, Romanus the younger left two sons, Basil the second and Constantine the ninth, and two daughters, Theophano and Anne. The eldest sister was given to Otho the second, emperor of the West;

the younger became the wife of Wolodomir, great duke and apostle of Russia, and, by the marriage of her granddaughter with Henry the first, king of France, the blood of the Macedonians, and perhaps of the Arsacides, still flows in the veins of the Bourbon line. After the death of her husband, the empress aspired to reign in the name of her sons, the elder of whom was five, and the younger only two, years of age; but she soon felt the instability of a throne, which was supported by a female who could not be esteemed, and two infants who could not be feared. Theophano looked around for a protector, and threw herself into the arms of the bravest soldier; her heart was capricious; but the deformity of the new favourite rendered it more than probable that interest was the motive and excuse of her love. Nicephorus Phocas united, in the popular opinion, the double merit of an hero and a saint. In the former character, his qualifications were genuine and splendid: the descendant of a race, illustrious by their military exploits, he had displayed, in every station and in every province, the courage of a soldier and the conduct of a chief; and Nicephorus was crowned with recent laurels, from the important conquest of the isle of Crete. His religion was of a more ambiguous cast; and his haircloth, his fasts, his pious idiom, and his wish to retire from the business of the world, were a convenient mask for his dark and dangerous ambition. Yet he imposed on an holy patriarch, by whose influence, and by a decree of the senate, he was entrusted, during the minority of the young princes, with the absolute and independent command of the Oriental armies. As soon as he had secured the leaders and the troops, he boldly marched to Constantinople, trampled on his enemies, avowed his correspondence with the empress, and, without degrading her sons, assumed with the title of Augustus, the pre-eminence of rank and the plenitude of power. But his marriage with Theophano was refused by the same patriarch who had placed the crown on his head: by his second nuptials he incurred a year of canonical penance; a bar of spiritual affinity was opposed to their celebration; and some evasion and perjury were required to silence the scruples of the clergy and people. The popularity of the emperor was lost

in the purple: in a reign of six years he provoked the hatred of strangers and subjects; and the hypocrisy and avarice of the first Nicephorus were revived in his successor. Hypocrisy I shall never justify or palliate; but I will dare to observe, that the odious vice of avarice is of all others most hastily arraigned, and most unmercifully condemned. In a private citizen, our judgment seldom expects an accurate scrutiny into his fortune and expence; and in a steward of the public treasure, frugality is always a virtue, and the increase of taxes too often an indispensable duty. In the use of his patrimony, the generous temper of Nicephorus had been proved; and the revenue was strictly applied to the service of the state: each spring the emperor marched in person against the Saracens; and every Roman might compute the employment of his taxes in triumphs, conquests, and the security of the Eastern barrier.

Among the warriors who promoted his elevation, and served under his standard, a noble and valiant Armenian had deserved and obtained the most eminent rewards. The stature of John Zimisce was below the ordinary standard; but this diminutive body was endowed with strength, beauty, and the soul of an hero. By the jealousy of the emperor's brother, he was degraded from the office of general of the East, to that of director of the posts, and his murmurs were chastised with disgrace and exile. But Zimisce was ranked among the numerous lovers of the empress; on her intercession he was permitted to reside at Chalcedon in the neighbourhood of the capital; her bounty was repaid in his clandestine and amorous visits to the palace; and Theophano consented, with alacrity, to the death of an ugly and penurious husband. Some bold and trusty conspirators were concealed in her most private chambers; in the darkness of a winter night, Zimisce, with his principal companions, embarked in a small boat, traversed the Bosphorus, landed at the palace stairs, and silently ascended a ladder of ropes, which was cast down by the female attendants. Neither his own suspicions, nor the warnings of his friends, nor the tardy aid of his brother Leo, nor the fortress which he had erected in the palace, could protect Nicephorus from a domestic foe, at whose voice every door was opened to the assassins. As

he slept on a bear-skin, on the ground, he was roused by their noisy intrusion, and thirty daggers glittered before his eyes. It is doubtful whether Zimisce's imbrued his hands in the blood of his sovereign; but he enjoyed the inhuman spectacle of revenge. The murder was protracted by insult and cruelty; and as soon as the head of Nicephorus was shewn from the window, the tumult was hushed, and the Armenian was emperor of the East. On the day of his coronation, he was stopped on the threshold of St. Sophia, by the intrepid patriarch; who charged his conscience with the deed of treason and blood; and required, as a sign of repentance, that he should separate himself from his more criminal associate. This sally of apostolic zeal was not offensive to the prince, since he could neither love nor trust a woman who had repeatedly violated the most sacred obligations; and Theophano, instead of sharing his Imperial fortune, was dismissed with ignominy from his bed and palace. In their last interview, she displayed a frantic and impotent rage; accused the ingratitude of her lover; assaulted with words and blows her son Basil, as he stood silent and submissive in the presence of a superior colleague; and avowed her own prostitution, in proclaiming the illegitimacy of his birth. The public indignation was appeased by her exile, and the punishment of the meaner accomplices: the death of an unpopular prince was forgiven; and the guilt of Zimisce's was forgotten in the splendour of his virtues. Perhaps his profusion was less useful to the state than the avarice of Nicephorus; but his gentle and generous behaviour delighted all who approached his person; and it was only in the paths of victory that he trod in the footsteps of his predecessor. The greatest part of his reign was employed in the camp and the field: his personal valour and activity was signalized on the Danube and the Tigris, the ancient boundaries of the Roman world; and by his double triumph over the Russians and Saracens, he deserved the titles of saviour of the empire, and conqueror of the East. In his last return from Syria, he observed that the most fruitful lands of his new provinces were possessed by the eunuchs. "And is it for them," he exclaimed, with honest indignation, "that we have fought and conquered? Is it for them that we shed our blood,

“and exhaust the treasures of our people?” The complaint was re-echoed to the palace, and the death of Zimisces is strongly marked with the suspicion of poison.

Under this usurpation, or regency, of twelve years, the two lawful emperors, Basil and Constantine, had silently grown to the age of manhood. Their tender years had been incapable of dominion: the respectful modesty of their attendance and salutation, was due to the age and merit of their guardians: the childless ambition of those guardians had no temptation to violate their right of succession: their patrimony was ably and faithfully administered; and the premature death of Zimisces was a loss, rather than a benefit, to the sons of Romanus. Their want of experience detained them twelve years longer the obscure and voluntary pupils of a minister, who extended his reign by persuading them to indulge the pleasures of youth, and to disdain the labours of government. In this silken web, the weakness of Constantine was for ever entangled; but his elder brother felt the impulse of genius and the desire of action; he frowned, and the minister was no more. Basil was the acknowledged sovereign of Constantinople and the provinces of Europe; but Asia was oppressed by two veteran generals, Phocas and Sclerus, who, alternately friends and enemies, subjects and rebels, maintained their independence, and laboured to emulate the example of successful usurpation. Against these domestic enemies, the son of Romanus first drew his sword, and they trembled in the presence of a lawful and high-spirited prince. The first, in the front of battle, was thrown from his horse, by the stroke of poison, or an arrow: the second, who had been twice loaded with chains, and twice invested with the purple, was desirous of ending in peace the small remainder of his days. As the aged suppliant approached the throne, with dim eyes and faltering steps, leaning on his two attendants, the emperor exclaimed, in the insolence of youth and power, “And is this the man who has so long been the object of our terror?” After he had confirmed his own authority, and the peace of the empire, the trophies of Nicephorus and Zimisces would not suffer their royal pupil to sleep in the palace. His long and frequent expeditions against the Saracens were rather glorious, than useful to the empire; but

the final destruction of the kingdom of Bulgaria appears, since the time of Belisarius, the most important triumph of the Roman arms. Yet instead of applauding their victorious prince, his subjects detested the rapacious and rigid avarice of Basil; and in the imperfect narrative of his exploits, we can only discern the courage, patience, and ferociousness of a soldier. A vicious education, which could not subdue his spirit, had clouded his mind; he was ignorant of every science; and the remembrance of his learned and feeble grand-sire might encourage a real or affected contempt of laws and lawyers, of artists and arts. Of such a character, in such an age, superstition took a firm and lasting possession; after the first licence of his youth, Basil the second devoted his life, in the palace and the camp, to the penance of an hermit, wore the monastic habit under his robes and armour, observed a vow of continence, and imposed on his appetites a perpetual abstinence from wine and flesh. In the sixty-eighth year of his age, his martial spirit urged him to embark in person for a holy war against the Saracens of Sicily; he was prevented by death, and Basil, surnamed the Slayer of the Bulgarians, was dismissed from the world, with the blessings of the clergy and the curses of his people. After his decease, his brother Constantine enjoyed, about three years, the power, or rather the pleasures, of royalty; and his only care was the settlement of the succession. He had enjoyed, sixty-six years, the title of Augustus; and the reign of the two brothers is the longest, and most obscure of the Byzantine history.

A lineal succession of five emperors, in a period of one hundred and sixty years, had attached the loyalty of the Greeks to the Macedonian dynasty, which had been thrice respected by the usurpers of their power. After the death of Constantine the ninth, the last male of the royal race, a new and broken scene presents itself, and the accumulated years of twelve emperors do not equal the space of his single reign. His elder brother had preferred his private chastity to the public interest, and Constantine himself had only three daughters; Eudocia, who took the veil, and Zoe and Theodora, who were preserved till a mature age in a state of ignorance and virginity. When their marriage was discussed in the council of their dying father, the cold or pious Theodora

refused to give an heir to the empire, but her sister Zoe presented herself a willing victim at the altar. Romanus Argyrus, a patrician of a graceful person and fair reputation, was chosen for her husband, and, on his declining that honour, was informed, that blindness or death was the second alternative. The motive of his reluctance was conjugal affection, but his faithful wife sacrificed her own happiness to his safety and greatness; and her entrance into a monastery removed the only bar to the Imperial nuptials. After the decease of Constantine, the sceptre devolved to Romanus the third; but his labours at home and abroad were equally feeble and fruitless; and the mature age, the forty-eight years of Zoe, were less favourable to the hopes of pregnancy than to the indulgence of pleasure. Her favourite chamberlain was an handsome Paphlagonian of the name of Michael, whose first trade had been that of a money-changer; and Romanus, either from gratitude or equity, connived at their criminal intercourse, or accepted a slight assurance of their innocence. But Zoe soon justified the Roman maxim, that every adúlteress is capable of poisoning her husband; and the death of Romanus was instantly followed by the scandalous marriage and elevation of Michael the fourth. The expectations of Zoe were however disappointed; instead of a vigorous and graceful lover, she had placed in her bed a miserable wretch, whose health and reason were impaired by epileptic fits, and whose conscience was tormented by despair and remorse. The most skilful physicians of the mind and body were summoned to his aid; and his hopes were amused by frequent pilgrimages to the baths, and to the tombs of the most popular saints; the monks applauded his penance, and, except restitution, (but to whom should he have restored?) Michael sought every method of expiating his guilt. While he groaned and prayed in sackcloth and ashes, his brother the eunuch John, smiled at his remorse, and enjoyed the harvest of a crime of which himself was the secret and most guilty author. His administration was only the art of satiating his avarice, and Zoe became a captive in the palace of her fathers and in the hands of her slaves. When he perceived the irretrievable decline of his brother's health, he introduced his nephew, another Michael, who derived his surname of Calaphates

from his father's occupation in the careening of vessels: at the command of the eunuch, Zoe adopted for her son, the son of a mechanic; and this fictitious heir was invested with the title and purple of the Cæsars, in the presence of the senate and clergy. So feeble was the character of Zoe, that she was oppressed by the liberty and power which she recovered by the death of the Paphlagonian; and at the end of four days, she placed the crown on the head of Michael the fifth, who had protested, with tears and oaths, that he should ever reign the first and most obedient of her subjects. The only act of his short reign was his base ingratitude to his benefactors, the eunuch and the empress. The disgrace of the former was pleasing to the public; but the murmurs, and at length the clamours, of Constantinople, deplored the exile of Zoe, the daughter of so many emperors; her vices were forgotten, and Michael was taught, that there is a period in which the patience of the tamest slaves rises into fury and revenge. The citizens of every degree assembled in a formidable tumult which lasted three days; they besieged the palace, forced the gates, recalled their *mothers*, Zoe from her prison, Theodora from her monastery, and condemned the son of Calaphates to the loss of his eyes or of his life. For the first time, the Greeks beheld with surprise the two royal sisters seated on the same throne, presiding in the senate, and giving audience to the ambassadors of the nations. But this singular union subsisted no more than two months; the two sovereigns, their tempers, interests, and adherents, were secretly hostile to each other; and as Theodora was still adverse to marriage, the indefatigable Zoe, at the age of sixty, consented, for the public good, to sustain the embraces of a third husband, and the censures of the Greek church. His name and number were Constantine the tenth, and the epithet of *Monomachus*, the single combatant, must have been expressive of his valour and victory in some public or private quarrel. But his health was broken by the tortures of the gout, and his dissolute reign was spent in the alternative of sickness and pleasure. A fair and noble widow had accompanied Constantine in his exile to the isle of Lesbos, and Sclerena gloried in the appellation of his mistress. After his marriage and elevation, she was invested with the title

and pomp of *Augusta*, and occupied a contiguous apartment in the palace. The lawful consort (such was the delicacy or corruption of Zoe) consented to this strange and scandalous partition; and the emperor appeared in public between his wife and his concubine. He survived them both; but the last measures of Constantine to change the order of succession were prevented by the more vigilant friends of Theodora; and after his decease, she resumed, with the general consent, the possession of her inheritance. In her name, and by the influence of four eunuchs, the Eastern world was peaceably governed about nineteen months; and as they wished to prolong their dominion, they persuaded the aged princess to nominate for her successor Michael the sixth. The surname of *Stratioticus*, declares his military profession; but the crazy and decrepit veteran could only see with the eyes, and execute with the hands, of his ministers. Whilst he ascended the throne, Theodora sunk into the grave; the last of the Macedonian or Basilian dynasty. I have hastily reviewed, and gladly dismiss this shameful and destructive period of twenty-eight years, in which the Greeks, degraded below the common level of servitude, were transferred like a herd of cattle by the choice or caprice of two impotent females.

From this night of slavery, a ray of freedom, or at least of spirit, begins to emerge: the Greeks either preserved or revived the use of surnames, which perpetuate the fame of hereditary virtue; and we now discern the rise, succession, and alliances of the last dynasties of Constantinople and Trebizond. The *Comneni*, who upheld for a while the fate of the sinking empire, assumed the honour of a Roman origin: but the family had been long since transported from Italy to Asia. Their patrimonial estate was situate in the district of Castamona in the neighbourhood of the Euxine; and one of their chiefs, who had already entered the paths of ambition, revisited with affection, perhaps with regret, the modest though honourable dwelling of his fathers. The first of their line was the illustrious Manuel, who, in the reign of the second Basil, contributed by war and treaty to appease the troubles of the East: he left in a tender age, two sons, Isaac and John, whom, with the consciousness of desert, he bequeathed to the gratitude and

favour of his sovereign. The noble youths were carefully trained in the learning of the monastery, the arts of the palace, and the exercises of the camp: and from the domestic service of the guards, they were rapidly promoted to the command of provinces and armies. Their fraternal union doubled the force and reputation of the Comneni, and their ancient nobility was illustrated by the marriage of the two brothers, with a captive princess of Bulgaria, and the daughter of a patrician, who had obtained the name of *Charon* from the number of enemies whom he had sent to the infernal shades. The soldiers had served with reluctant loyalty a series of effeminate masters; the elevation of Michael the sixth was a personal insult to the more deserving generals; and their discontent was inflamed by the parsimony of the emperor and the insolence of the eunuchs. They secretly assembled in the sanctuary of St. Sophia, and the votes of the military synod would have been unanimous in favour of the old and valiant Catacalon, if the patriotism or modesty of the veteran had not suggested the importance of birth as well as merit in the choice of a sovereign. Isaac Comnenus was approved by general consent, and the associates separated without delay to meet in the plains of Phrygia at the head of their respective squadrons and detachments. The cause of Michael was defended in a single battle by the mercenaries of the Imperial guard, who were aliens to the public interest, and animated only by a principle of honour and gratitude. After their defeat, the fears of the emperor solicited a treaty, which was almost accepted by the moderation of the Comnenial. But the former was betrayed by his ambassadors, and the latter was prevented by his friends. The solitary Michael submitted to the voice of the people; the patriarch annulled their oath of allegiance; and as he shaved the head of the royal monk, congratulated his beneficial exchange of temporal royalty for the kingdom of heaven: an exchange, however, which the priest, on his own account, would probably have declined. By the hands of the same patriarch, Isaac Comnenus was solemnly crowned: the sword which he inscribed on his coins, might be an offensive symbol, if it implied his title by conquest; but this sword would have been drawn

against the foreign and domestic enemies of the state. The decline of his health and vigour suspended the operation of active virtue; and the prospect of approaching death determined him to interpose some moments between life and eternity. But instead of leaving the empire as the marriage portion of his daughter, his reason and inclination concurred in the preference of his brother John, a soldier, a patriot, and the father of five sons, the future pillars of an hereditary succession. His first modest reluctance might be the natural dictates of discretion and tenderness, but his obstinate and successful perseverance, however it may dazzle with the shew of virtue, must be censured as a criminal desertion of his duty, and a rare offence against his family and country. The purple which he had refused was accepted by Constantine Ducas, a friend of the Comnenian house, and whose noble birth was adorned with the experience and reputation of civil policy. In the monastic habit, Isaac recovered his health, and survived two years his voluntary abdication. At the command of his abbot, he observed the rule of St. Basil, and executed the most servile offices of the convent: but his latent vanity was gratified by the frequent and respectful visits of the reigning monarch, who revered in his person the character of a benefactor and a saint.

If Constantine the eleventh were indeed the subject most worthy of empire, we must pity the debasement of the age and nation in which he was chosen. In the labour of puerile declamations he sought, without obtaining, the crown of eloquence, more precious, in his opinion, than that of Rome; and, in the subordinate functions of a judge, he forgot the duties of a sovereign and a warrior. Far from imitating the patriotic indifference of the authors of his greatness, Ducas was anxious only to secure, at the expence of the republic, the power and prosperity of his children. His three sons, Michael the seventh, Andronicus the first, and Constantine the twelfth, were invested, in a tender age, with the equal title of Augustus: and the succession was speedily opened by their father's death. His widow, Eudocia, was entrusted with the administration; but experience had taught the jealousy of the dying monarch to pro-

tect his sons from the danger of her second nuptials; and her solemn engagement, attested by the principal senators, was deposited in the hands of the patriarch. Before the end of seven months, the wants of Eudocia, or those of the state, called aloud for the male virtues of a soldier: and her heart had already chosen Romanus Diogenes, whom she raised from the scaffold to the throne. The discovery of a treasonable attempt had exposed him to the severity of the laws: his beauty and valour absolved him in the eyes of the empress; and Romanus, from a mild exile,* was recalled on the second day to the command of the Oriental armies. Her royal choice was yet unknown to the public, and the promise which would have betrayed her falsehood and levity, was stolen by a dextrous emissary from the ambition of the patriarch. Xiphilin at first alleged the sanctity of oaths and the sacred nature of a trust; but a whisper that his brother was the future emperor, relaxed his scruples, and forced him to confess that the public safety was the supreme law. He resigned the important paper; and when his hopes were confounded by the nomination of Romanus, he could no longer regain his security, retract his declarations; nor oppose the second nuptials of the empress. Yet a murmur was heard in the palace; and the Barbarian guards had raised their battle-axes in the cause of the house of Ducas, till the young princes were soothed by the tears of their mother and the solemn assurances of the fidelity of their guardian, who filled the Imperial station with dignity and honour. Hereafter I shall relate his valiant but unsuccessful efforts to resist the progress of the Turks. His defeat and captivity inflicted a deadly wound on the Byzantine monarchy of the East; and after he was released from the chains of the sultan, he vainly sought his wife and his subjects. His wife had been thrust into a monastery, and the subjects of Romanus had embraced the rigid maxim of the civil law, that a prisoner in the hands of the enemy is deprived, as by the stroke of death, of all the public and private rights of a citizen. In the general consternation, the Cæsar John asserted the indefeasible right of his three nephews: Constantinople listened to his voice; and the Turkish captive was proclaimed in the capital, and received

on the frontier, as an enemy of the republic. Romanus was not more fortunate in domestic than in foreign war: the loss of two battles compelled him to yield, on the assurance of fair and honourable treatment; but his enemies were devoid of faith or humanity; and, after the cruel extinction of his sight, his wounds were left to bleed and corrupt, till in a few days he was relieved from a state of misery. Under the triple reign of the house of Ducas, the two younger brothers were reduced to the vain honours of the purple; but the eldest, the pusillanimous Michael, was incapable of sustaining the Roman sceptre; and his surname of *Parapinaces* denotes the reproach which he shared with an avaricious favourite, who enhanced the price, and diminished the measure of wheat. In the school of Psellus, and after the example of his mother, the son of Eudocia made some proficiency in philosophy and rhetoric; but his character was degraded, rather than ennobled, by the virtues of a monk and the learning of a sophist. Strong in the contempt of their sovereign and their own esteem, two generals at the head of the European and Asiatic legions assumed the purple at Adrianople and Nice. Their revolt was in the same month; they bore the same name of Nicephorus; but the two candidates were distinguished by the surnames of Bryennius and Botaniates; the former in the maturity of wisdom and courage, the latter conspicuous only by the memory of his past exploits. While Botaniates advanced with cautious and dilatory steps, his active competitor stood in arms before the gates of Constantinople. The name of Bryennius was illustrious; his cause was popular; but his licentious troops could not be restrained from burning and pillaging a suburb; and the people, who would have hailed the rebel, rejected and repulsed the incendiary of his country. This change of the public opinion was favourable to Botaniates, who at length, with an army of Turks, approached the shores of Chalcedon. A formal invitation, in the name of the patriarch, the synod, and the senate, was circulated through the streets of Constantinople; and the general assembly, in the dome of St. Sophia, debated, with order and calmness, on the choice of their sovereign. The guards of Michael would have dispersed

this unarmed multitude ; but the feeble emperor, applauding his own moderation and clemency, resigned the ensigns of royalty, and was rewarded with the monastic habit, and the title of Archbishop of Ephesus. He left a son, a Constantine, born and educated in the purple ; and a daughter of the house of Ducas illustrated the blood, and confirmed the succession of the Comnenian dynasty.

John Comnenus, the brother of the emperor Isaac, survived in peace and dignity his generous refusal of the sceptre. By his wife Anne, a woman of masculine spirit and policy, he left eight children : the three daughters multiplied the Comnenian alliances with the noblest of the Greeks : of the five sons, Manuel was stopped by a premature death ; Isaac and Alexius restored the imperial greatness of their house, which was enjoyed without toil or danger by the two younger brethren, Adrian and Nicephorus. Alexius, the third and most illustrious of the brothers, was endowed by nature with the choicest gifts both of mind and body : they were cultivated by a liberal education, and exercised in the school of obedience and adversity. The youth was dismissed from the perils of the Turkish war, by the paternal care of the emperor Romanus ; but the mother of the Comneni, with her aspiring race, was accused of treason, and banished, by the sons of Ducas, to an island in the Propontis. The two brothers soon emerged into favour and action, fought by each other's side against the rebels and Barbarians, and adhered to the emperor Michael, till he was deserted by the world and by himself. In his first interview with Botaniates, " Prince," said Alexius, with a noble frankness, " my duty rendered me your enemy ; the decrees " of God and of the people have made me your subject. " Judge of my future loyalty, by my past opposition." The successor of Michael entertained him with esteem and confidence : his valour was employed against three rebels, who disturbed the peace of the empire, or at least of the emperors. Ursel, Bryennius, and Basilacius, were formidable by their numerous forces and military fame : they were successively vanquished in the field, and led in chains to the foot of the throne ; and whatever treatment they might receive from a timid and cruel court, they applauded

the clemency, as well as the courage, of their conqueror. But the loyalty of the Comneni was soon tainted by fear and suspicion; nor is it easy to settle between a subject and a despot, the debt of gratitude, which the former is tempted to claim by a revolt, and the latter to discharge by an executioner. The refusal of Alexius to march against a fourth rebel, the husband of his sister, destroyed the merit or memory of his past services: the favourites of Botaniates provoked the ambition which they apprehended and accused; and the retreat of the two brothers might be justified by the defence of their life or liberty. The women of the family were deposited in a sanctuary, respected by tyrants: the men, mounted on horseback, sallied from the city, and erected the standard of civil war. The soldiers, who had been gradually assembled in the capital and the neighbourhood, were devoted to the cause of a victorious and injured leader: the ties of common interest and domestic alliance secured the attachment of the house of Ducas; and the generous dispute of the Comneni was terminated by the decisive resolution of Isaac, who was the first to invest his younger brother with the name and ensigns of royalty. They returned to Constantinople, to threaten rather than besiege that impregnable fortress; but the fidelity of the guards was corrupted; a gate was surprised; and the fleet was occupied by the active courage of George Pelæologus, who fought against his father, without foreseeing that he laboured for his posterity. Alexius ascended the throne; and his aged competitor disappeared in a monastery. An army of various nations was gratified with the pillage of the city; but the public disorders were expiated by the tears and fasts of the Comneni, who submitted to every penance compatible with the possession of the empire.

The life of the emperor Alexius has been delineated by a favourite daughter, who was inspired by a tender regard for his person, and a laudable zeal to perpetuate his virtues. Conscious of the just suspicion of her readers, the princess Anna Comnena repeatedly protests, that besides her personal knowledge, she had searched the discourse and writings of the most respectable veterans: that after an interval of thirty years, forgotten by, and forgetful of the world, her

mournful solitude was inaccessible to hope and fear; and that truth, the naked perfect truth, was more dear and sacred than the memory of her parent. Yet, instead of the simplicity of style and narrative which wins our belief, an elaborate affectation of rhetoric and science betrays in every page the vanity of a female author. The genuine character of Alexius is lost in a vague constellation of virtues; and the perpetual strain of panegyric and apology awakens our jealousy, to question the veracity of the historian and the merit of the hero. We cannot however refuse her judicious and important remark, that the disorders of the times were the misfortune and the glory of Alexius; and that every calamity which can afflict a declining empire was accumulated on his reign by the justice of heaven and the vices of his predecessors. In the East, the victorious Turks had spread, from Persia to the Hellespont, the reign of the Koran and the Crescent: the West was invaded by the adventurous valour of the Normans; and, in the moments of peace, the Danube poured forth new swarms, who had gained, in the science of war, what they had lost in the ferociousness of manners. The sea was not less hostile than the land; and while the frontiers were assaulted by an open enemy, the palace was distracted with secret treason and conspiracy. On a sudden, the banner of the cross was displayed by the Latins: Europe was precipitated on Asia; and Constantinople had almost been swept away by this impetuous deluge. In the tempest Alexius steered the Imperial vessel with dexterity and courage. At the head of his armies, he was bold in action, skilful in stratagem, patient of fatigue, ready to improve his advantages, and rising from his defeats with inexhaustible vigour. The discipline of the camp was revived, and a new generation of men and soldiers was created by the example and the precepts of their leader. In his intercourse with the Latins, Alexius was patient and artful: his discerning eye pervaded the new system of an unknown world; and I shall hereafter describe the superior policy with which he balanced the interests and passions of the champions of the first crusade. In a long reign of thirty-seven years, he subdued and pardoned the envy of his equals: the laws of public and private order were restored: the arts of wealth

and science were cultivated : the limits of the empire were enlarged in Europe and Asia ; and the Comnenian sceptre was transmitted to his children of the third and fourth generation. Yet the difficulties of the times betrayed some defects in his character ; and have exposed his memory to some just or ungenerous reproach. The reader may possibly smile at the lavish praise which his daughter so often bestows on a flying hero : the weakness or prudence of his situation might be mistaken for a want of personal courage ; and his political arts are branded by the Latins with the names of deceit and dissimulation. The increase of the male and female branches of his family adorned the throne and secured the succession ; but their princely luxury and pride offended the patricians, exhausted the revenue, and insulted the misery of the people. Anna is a faithful witness that his happiness was destroyed, and his health was broken, by the cares of a public life : the patience of Constantinople was fatigued by the length and severity of his reign ; and before Alexius expired, he had lost the love and reverence of his subjects. The clergy could not forgive his application of the sacred riches to the defence of the state ; but they applauded his theological learning and ardent zeal for the orthodox faith, which he defended with his tongue, his pen, and his sword. His character was degraded by the superstition of the Greeks ; and the same inconsistent principle of human nature enjoined the emperor to found an hospital for the poor and infirm, and to direct the execution of an heretic, who was burnt alive in the square of St. Sophia. Even the sincerity of his moral and religious virtues was suspected by the persons who had passed their lives in his familiar confidence. In his last hours, when he was pressed by his wife Irene to alter the succession, he raised his head, and breathed a pious ejaculation on the vanity of this world. The indignant reply of the empress may be inscribed as an epitaph on his tomb, " You die, as you have lived—AN HYPOCRITE !"

It was the wish of Irene to supplant the eldest of her surviving sons, in favour of her daughter the princess Anne, whose philosophy would not have refused the weight of a diadem. But the order of male succession was asserted by

the friends of their country; the lawful heir drew the royal signet from the finger of his insensible or conscious father, and the empire obeyed the master of the palace. Anna Comnena was stimulated by ambition and revenge to conspire against the life of her brother, and when the design was prevented by the fears or scruples of her husband, she passionately exclaimed, that nature had mistaken the two sexes, and had endowed Bryennius with the soul of a woman. The two sons of Alexius, John and Isaac, maintained the fraternal concord, the hereditary virtue of their race; and the younger brother was content with the title of *Sebastocrator*, which approached the dignity, without sharing the power, of the emperor. In the same person, the claims of primogeniture and merit were fortunately united; his swarthy complexion, harsh features, and diminutive stature, had suggested the ironical surname of Calo-Johannes, or John the Handsome, which his grateful subjects more seriously applied to the beauties of the mind. After the discovery of her treason, the life and fortune of Anne were justly forfeited to the laws. Her life was spared by the clemency of the emperor, but he visited the pomp and treasures of her palace, and bestowed the rich confiscation on the most deserving of his friends. That respectable friend, Axuch, a slave of Turkish extraction, presumed to decline the gift, and to intercede for the criminal: his generous master applauded, and imitated the virtue of his favourite, and the reproach or complaint of an injured brother was the only chastisement of the guilty princess. After this example of clemency, the remainder of his reign was never disturbed by conspiracy or rebellion: feared by his nobles, beloved by his people, John was never reduced to the painful necessity of punishing, or even of pardoning, his personal enemies. During his government of twenty-five years, the penalty of death was abolished in the Roman empire, a law of mercy most delightful to the humane theorist, but of which the practice, in a large and vicious community, is seldom consistent with the public safety. Severe to himself, indulgent to others, chaste, frugal, abstemious, the philosophic Marcus would not have disdained the artless virtues of his successor, derived from his heart, and not borrowed

from the schools. He despised and moderated the stately magnificence of the Byzantine court, so oppressive to the people, so contemptible to the eye of reason. Under such a prince, innocence had nothing to fear, and merit had every thing to hope; and without assuming the tyrannic office of a censor, he introduced a gradual though visible reformation in the public and private manners of Constantinople. The only defect of this accomplished character, was the frailty of noble minds, the love of arms and military glory. Yet the frequent expeditions of John the Handsome may be justified, at least in their principle, by the necessity of repelling the Turks from the Hellespont and the Bosphorus. The sultan of Iconium was confined to his capital, the Barbarians were driven to the mountains, and the maritime provinces of Asia enjoyed the transient blessings of their deliverance. From Constantinople to Antioch and Aleppo, he repeatedly marched at the head of a victorious army, and in the sieges and battles of this holy war, his Latin allies were astonished by the superior spirit and prowess of a Greek. As he began to indulge the ambitious hope of restoring the ancient limits of the empire, as he revolved in his mind, the Euphrates and Tigris, the dominion of Syria, and the conquest of Jerusalem, the thread of his life and of the public felicity was broken by a singular accident. He hunted the wild boar in the valley of Anazarbus, and had fixed his javelin in the body of the furious animal: but, in the struggle, a poisoned arrow dropt from his quiver, and a slight wound in his hand, which produced a mortification, was fatal to the best and greatest of the Comnenian princes.

A premature death had swept away the two eldest sons of John the Handsome; of the two survivors, Isaac and Manuel, his judgment or affection preferred the younger; and the choice of their dying prince was ratified by the soldiers who had applauded the valour of his favourite in the Turkish war. The faithful Axuch hastened to the capital, secured the person of Isaac in honourable confinement, and purchased with a gift of two hundred pounds of silver, the leading ecclesiastics of St. Sophia, who possessed a decisive voice in the consecration of an emperor. With his veteran

and affectionate troops, Manuel soon visited Constantinople; his brother acquiesced in the title of Sebastocrator; his subjects admired the lofty stature and martial graces of their new sovereign, and listened with credulity to the flattering promise, that he blended the wisdom of age with the activity and vigour of youth. By the experience of his government, they were taught, that he emulated the spirit, and shared the talents of his father, whose social virtues were buried in the grave. A reign of thirty-seven years is filled by a perpetual though various warfare against the Turks, the Christians, and the hords of the wilderness beyond the Danube. The arms of Manuel were exercised on mount Taurus, in the plains of Hungary, on the coast of Italy and Egypt, and on the seas of Sicily and Greece: the influence of his negociations extended from Jerusalem to Rome and Russia; and the Byzantine monarchy, for a while, became an object of respect or terror to the powers of Asia and Europe. Educated in the silk and purple of the East, Manuel possessed the iron temper of a soldier, which cannot easily be paralleled, except in the lives of Richard the first of England, and of Charles the twelfth of Sweden. Such was his strength and exercise in arms, that Raymond, surnamed the Hercules of Antioch, was incapable of wielding the lance and buckler of the Greek emperor. In a famous tournament, he entered the lists on a fiery courser, and overturned in his first career two of the stoutest of the Italian knights. The first in the charge, the last in the retreat, his friends and his enemies alike trembled, the former for *his* safety, and the latter for their own. After posting an ambuscade in a wood he rode forwards in search of some perilous adventure, accompanied only by his brother and the faithful Axuch, who refused to desert their sovereign. Eighteen horsemen, after a short combat, fled before them: but the numbers of the enemy increased; the march of the reinforcement was tardy and fearful, and Manuel, without receiving a wound, cut his way through a squadron of five hundred Turks. In a battle against the Hungarians, impatient of the slowness of his troops, he snatched a standard from the head of the column, and was the first, almost alone, who passed a bridge that separated him from the

enemy. In the same country, after transporting his army beyond the Save, he sent back the boats, with an order, under pain of death, to their commander, that he should leave him to conquer or die on that hostile land. In the siege of Corfu, towing after him a captive galley, the emperor stood aloft on the poop, opposing against the volleys of darts and stones, a large buckler and a flowing sail, nor could he have escaped inevitable death, had not the Sicilian admiral enjoined his archers to respect the person of an hero. In one day, he is said to have slain above forty of the Barbarians with his own hand; he returned to the camp, dragging along four Turkish prisoners, whom he had tied to the rings of his saddle: he was ever the foremost to provoke or to accept a single combat; and the *gigantic* champions, who encountered his arm, were transpierced by the lance, or cut asunder by the sword, of the invincible Manuel. The story of his exploits, which appear as a model or a copy of the romances of chivalry, may induce a reasonable suspicion of the veracity of the Greeks: I will not, to vindicate their credit, endanger my own: yet I may observe, that in the long series of their annals, Manuel is the only prince who has been the subject of similar exaggeration. With the valour of a soldier, he did not unite the skill or prudence of a general: his victories were not productive of any permanent or useful conquest; and his Turkish laurels were blasted in his last unfortunate campaign, in which he lost his army in the mountains of Pisidia, and owed his deliverance to the generosity of the sultan. But the most singular feature in the character of Manuel, is the contrast and vicissitude of labour and sloth, of hardiness and effeminacy. In war he seemed ignorant of peace, in peace he appeared incapable of war. In the field he slept in the sun or in the snow, tired in the longest marches the strength of his men and horses, and shared with a smile the abstinence or diet of the camp. No sooner did he return to Constantinople, than he resigned himself to the arts and pleasures of a life of luxury: the expence of his dress, his table, and his palace, surpassed the measure of his predecessors, and whole summer days were idly wasted in the delicious isles of the Propontis, in the incestuous love of his niece Theo-

dora. The double cost of a warlike and dissolute prince, exhausted the revenue, and multiplied the taxes; and Manuel, in the distress of his last Turkish camp, endured a bitter reproach from the mouth of a desperate soldier. As he quenched his thirst, he complained that the water of a fountain was mingled with Christian blood. "It is not the first time," exclaimed a voice from the crowd, "that you have drank, O emperor! the blood of your Christian subjects." Manuel Comnenus was twice married, to the virtuous Bertha or Irene of Germany, and to the beautiful Maria, a French or Latin princess of Antioch. The only daughter of his first wife was destined for Bela an Hungarian prince, who was educated at Constantinople under the name of Alexius; and the consummation of their nuptials might have transferred the Roman sceptre to a race of free and warlike Barbarians. But, as soon as Maria of Antioch had given a son and heir to the empire, the presumptive rights of Bela were abolished, and he was deprived of his promised bride; but the Hungarian prince resumed his name and the kingdom of his fathers, and displayed such virtues as might excite the regret and envy of the Greeks. The son of Maria was named Alexius; and at the age of ten years, he ascended the Byzantine throne, after his father's decease had closed the glories of the Comnenian line.

The fraternal concord of the two sons of the great Alexius, had been sometimes clouded by an opposition of interest and passion. By ambition, Isaac the Sebastocrator was excited to flight and rebellion, from whence he was reclaimed by the firmness and clemency of John the Handsome. The errors of Isaac, the father of the emperors of Trebizond, were short and venial; but John, the elder of his sons, renounced for ever his religion. Provoked by a real or imaginary insult of his uncle, he escaped from the Roman to the Turkish camp; his apostacy was rewarded with the sultan's daughter, the title of Chelebi, or noble, and the inheritance of a princely estate; and in the fifteenth century, Mahomet the second boasted of his Imperial descent from the Comnenian family. Andronicus, younger brother of John, son of Isaac, and grandson of Alexius Comnenus, is one of the most conspicuous characters of the age; and

his genuine adventures might form the subject of a very singular romance. To justify the choice of three ladies of royal birth, it is incumbent on me to observe, that their fortunate lover was cast in the best proportions of strength and beauty; and that the want of the softer graces was supplied by a manly countenance, a lofty stature, athletic muscles, and the air and deportment of a soldier. The preservation, in his old age, of health and vigour, was the reward of temperance and exercise. A piece of bread and a draught of water were often his sole and evening repast; and if he tasted of a wild boar, or a stag, which he had roasted with his own hands, it was the well-earned fruit of a laborious chase. Dextrous in arms, he was ignorant of fear: his persuasive eloquence could bend to every situation and character of life: his style, though not his practice, was fashioned by the example of St. Paul; and in every deed of mischief, he had a heart to resolve, a head to contrive, and a hand to execute. In his youth, after the death of the emperor John, he followed the retreat of the Roman army; but, in the march through Asia Minor, design or accident tempted him to wander in the mountains; the hunter was encompassed by the Turkish huntsmen, and he remained some time a reluctant or willing captive in the power of the sultan. His virtues and vices recommended him to the favour of his cousin: he shared the perils and the pleasures of Manuel; and while the emperor lived in public incest with his niece Theodora, the affections of her sister Eudocia were seduced and enjoyed by Andronicus. Above the decencies of her sex and rank, she gloried in the name of his concubine; and both the palace and the camp could witness that she slept, or watched in the arms of her lover. She accompanied him to his military command of Cilicia, the first scene of his valour and imprudence. He pressed with active ardour, the siege of Mopsuestia: the day was employed in the boldest attacks; but the night was wasted in song and dance; and a band of Greek comedians formed the choicest part of his retinue. Andronicus was surprised by the sally of a vigilant foe; but, while his troops fled in disorder, his invincible lance transpierced the thickest ranks of the Armenians. On his return to the Im-

perial camp in Macedonia, he was received by Manuel with public smiles and private reproof; but the dutchies of Naisus, Braniseba, and Castoria, were the reward or consolation of the unsuccessful general. Eudocia still attended his motions: at midnight, their tent was suddenly attacked by her angry brothers, impatient to expiate her infamy in his blood: his daring spirit refused her advice, and the disguise of a female habit; and boldly starting from his couch, he drew his sword, and cut his way through the numerous assassins. It was here that he first betrayed his ingratitude and treachery: he engaged in a treasonable correspondence with the king of Hungary and the German emperor; approached the royal tent at a suspicious hour, with a drawn sword, and, under the mask of a Latin soldier, avowed an intention of revenge against a mortal foe; and imprudently praised the fleetness of his horse, as an instrument of flight and safety. The monarch dissembled his suspicions; but, after the close of the campaign, Andronicus was arrested and strictly confined in a tower of the palace of Constantinople.

In this prison he was left above twelve years; a most painful restraint, from which the thirst of action and pleasure perpetually urged him to escape. Alone and pensive, he perceived some broken bricks in a corner of the chamber, and gradually widened the passage, till he had explored a dark and forgotten recess. Into this hole he conveyed himself, and the remains of his provisions, replacing the bricks in their former position, and erasing with care the footsteps of his retreat. At the hour of the customary visit, his guards were amazed by the silence and solitude of the prison, and reported, with shame and fear, his incomprehensible flight. The gates of the palace and city were instantly shut: the strictest orders were dispatched into the provinces, for the recovery of the fugitive; and his wife, on the suspicion of a pious act, was basely imprisoned in the same tower. At the dead of night, she beheld a spectre: she recognized her husband; they shared their provisions; and a son was the fruit of these stolen interviews, which alleviated the tediousness of their confinement. In the custody of a woman, the vigilance of the keepers

was insensibly relaxed; and the captive had accomplished his real escape, when he was discovered, brought back to Constantinople, and loaded with a double chain. At length he found the moment, and the means, of his deliverance. A boy, his domestic servant, intoxicated the guards, and obtained in wax the impression of the keys. By the diligence of his friends, a similar key, with a bundle of ropes, was introduced into the prison, in the bottom of a hog'shead. Andronicus employed, with industry and courage, the instruments of his safety, unlocked the doors, descended from the tower, concealed himself all day among the bushes, and scaled in the night the garden-wall of the palace. A boat was stationed for his reception: he visited his own house, embraced his children, cast away his chain, mounted a fleet horse, and directed his rapid course towards the banks of the Danube. At Anchialus in Thrace, an intrepid friend supplied him with horses and money: he passed the river, traversed with speed the desert of Moldavia and the Carpathian hills, and had almost reached the town of Halicz, in the Polish Russia, when he was intercepted by a party of Walachians, who resolved to convey their important captive to Constantinople. His presence of mind again extricated him from this danger. Under the pretence of sickness, he dismounted in the night, and was allowed to step aside from the troop: he planted in the ground his long staff; clothed it with his cap and upper garment; and, stealing into the wood, left a phantom to amuse, for some time, the eyes of the Walachians. From Helicz he was honourably conducted to Kiow, the residence of the great duke; the subtle Greek soon obtained the esteem and confidence of Ieroslaus: his character could assume the manners of every climate; and the Barbarians applauded his strength and courage in the chase of the elks and bears of the forest. In this northern region he deserved the forgiveness of Manuel, who solicited the Russian prince to join his arms in the invasion of Hungary. The influence of Andronicus achieved this important service: his private treaty was signed with a promise of fidelity on one side, and of oblivion on the other; and he marched at the head of the Russian cavalry, from the Borysthenea to the Danube. In his resentment

Manuel had ever sympathised with the martial and dissolute character of his cousin; and his free pardon was sealed in the assault of Zemlin, in which he was second, and second only, to the valour of the emperor.

No sooner was the exile restored to freedom and his country, than his ambition revived, at first to his own, and at length to the public, misfortune. A daughter of Manuel was a feeble bar to the succession of the more deserving males of the Comnenian blood: her future marriage with the prince of Hungary was repugnant to the hopes or prejudices of the princes and nobles. But when an oath of allegiance was required to the presumptive heir, Andronicus alone asserted the honour of the Roman name, declined the unlawful engagement, and boldly protested against the adoption of a stranger. His patriotism was offensive to the emperor, but he spoke the sentiments of the people, and was removed from the royal presence, by an honourable banishment, a second command of the Cilician frontier, with the absolute disposal of the revenues of Cyprus. In this station, the Armenians again exercised his courage and exposed his negligence; and the same rebel, who baffled all his operations, was unhorsed, and almost slain by the vigour of his lance. But Andronicus soon discovered a more easy and pleasing conquest, the beautiful Philippa, sister of the empress Maria, and daughter of Raymond of Poitou, the Latin prince of Antioch. For her sake, he deserted his station, and wasted the summer in balls and tournaments: to his love she sacrificed her innocence, her reputation, and the offer of an advantageous marriage. But the resentment of Manuel for this domestic affront, interrupted his pleasures: Andronicus left the indiscreet princess to weep and to repent; and, with a band of desperate adventurers, undertook the pilgrimage of Jerusalem. His birth, his martial renown, and professions of zeal, announced him as the champion of the cross: he soon captivated both the clergy and the king; and the Greek prince was invested with the lordship of Berytus, on the coast of Phœnicia. In his neighbourhood resided a young and handsome queen, of his own nation and family, great-grand-daughter of the emperor Alexis, and widow of Baldwin the third, king of

Jerusalem. She visited and loved her kinsman. Theodora was the third victim of his amorous seduction; and her shame was more public and scandalous than that of her predecessors. The emperor still thirsted for revenge; and his subjects and allies of the Syrian frontier, were repeatedly pressed to seize the person, and put out the eyes of the fugitive. In Palestine he was no longer safe; but the tender Theodora revealed his danger and accompanied his flight. The queen of Jerusalem was exposed to the East, his obsequious concubine; and two illegitimate children were the living monuments of her weakness. Damascus was his first refuge; and, in the characters of the great Nouredin and his servant Saladin, the superstitious Greek might learn to revere the virtues of the Mussulmans. As the friend of Nouredin he visited, most probably Bagdad, and the courts of Persia: and, after a long circuit round the Caspian sea and the mountains of Georgia, he finally settled among the Turks of Asia Minor, the hereditary enemies of his country. The sultan of Colonia afforded an hospitable retreat to Andronicus, his mistress, and his band of outlaws: the debt of gratitude was paid by frequent inroads in the Roman province of Trebizond; and he seldom returned without an ample harvest of spoil and of Christian captives. In the story of his adventures, he was fond of comparing himself to David, who escaped, by a long exile, the snares of the wicked. But the royal prophet (he presumed to add) was content to lurk on the borders of Judæa, to slay an Amalekite, and to threaten, in his miserable state, the life of the avaricious Nabal. The excursions of the Comnenian prince had a wider range; and he had spread over the Eastern world the glory of his name and religion. By a sentence of the Greek church the licentious rover had been separated from the faithful; but even this excommunication may prove, that he never abjured the profession of Christianity.

His vigilance had eluded or repelled the open and secret persecution of the emperor; but he was at length ensnared by the captivity of his female companion. The governor of Trebizond succeeded in his attempt to surprise the person of Theodora: the queen of Jerusalem and her two children were sent to Constantinople, and their loss embittered the

tedious solitude of banishment. The fugitive implored and obtained a final pardon, with leave to throw himself at the feet of his sovereign, who was satisfied with the submission of this haughty spirit. Prostrate on the ground, he deplored with tears and groans the guilt of his past rebellion; nor would he presume to arise unless some faithful subject would drag him to the foot of the throne, by an iron chain with which he had secretly encircled his neck. This extraordinary penance excited the wonder and pity of the assembly; his sins were forgiven by the church and state; but the just suspicion of Manuel fixed his residence at a distance from the court, at Oenoe, a town of Pontus, surrounded with rich vineyards, and situate on the coast of the Euxine. The death of Manuel, and the disorders of the minority, soon opened the fairest field to his ambitious. The emperor was a boy of twelve or fourteen years of age, without vigour, or wisdom, or experience: his mother, the empress Mary, abandoned her person and government to a favourite of the Comnenian name; and his sister, another Mary, whose husband, an Italian, was decorated with the title of Cæsar, excited a conspiracy, and at length an insurrection, against her odious stepmother. The provinces were forgotten, the capital was in flames, and a century of peace and order was overthrown in the vice and weakness of a few months. A civil war was kindled in Constantinople; the two factions fought a bloody battle in the square of the palace, and the rebels sustained a regular siege in the cathedral of St. Sophia. The patriarch laboured with honest zeal to heal the wounds of the republic, the most respectable patriots called aloud for a guardian and avenger, and every tongue repeated the praise of the talents and even the virtues of Andronicus. In his retirement, he affected to revolve the solemn duties of his oath: "If the safety or honour of the Imperial family be threatened, I will reveal and oppose the mischief to the utmost of my power." His correspondence with the patriarch and patricians was seasoned with apt quotations from the psalms of David and the epistles of St. Paul; and he patiently waited till he was called to her deliverance by the voice of his country. In his march from Oenoe to Constan-

tinople, his slender train insensibly swelled to a crowd and an army; his professions of religion and loyalty were mistaken for the language of his heart; and the simplicity of a foreign dress, which shewed to advantage his majestic stature, displayed a lively image of his poverty and exile. All opposition sunk before him; he reached the streights of the Thracian Bosphorus; the Byzantine navy sailed from the harbour to receive and transport the saviour of the empire: the torrent was loud and irresistible, and the insects who had basked in the sunshine of royal favour, disappeared at the blast of the storm. It was the first care of Andronicus to occupy the palace, to salute the emperor, to confine his mother, to punish her minister, and to restore the public order and tranquillity. He then visited the sepulchre of Manuel: the spectators were ordered to stand aloof, but as he bowed in the attitude of prayer, they heard, or thought they heard, a murmur of triumph and revenge. "I no longer fear thee, my old enemy, who hast driven me a vagabond to every climate of the earth. Thou art safely deposited under a sevenfold dome, from whence thou canst never arise till the signal of the last trumpet. It is now my turn, and speedily will I trample on thy ashes and thy posterity." From his subsequent tyranny we may impute such feelings to the man and the moment: but it is not extremely probable that he gave an articulate sound to his secret thoughts. In the first months of his administration, his designs were veiled by a fair semblance of hypocrisy, which could delude only the eyes of the multitude: the coronation of Alexius was performed with due solemnity, and his perfidious guardian, holding in his hands the body and blood of Christ, most fervently declared, that he lived, and was ready to die, for the service of his beloved pupil. But his numerous adherents were instructed to maintain, that the sinking empire must perish in the hands of a child, that the Romans could only be saved by a veteran prince, bold in arms, skilful in policy, and taught to reign by the long experience of fortune and mankind; and that it was the duty of every citizen to force the reluctant modesty of Andronicus to undertake the burthen of the public care. The young emperor was himself constrained to join his voice.

to the general acclamation, and to solicit the association of a colleague, who instantly degraded him from the supreme rank, secluded his person, and verified the rash declaration of the patriarch, that Alexius might be considered as dead, so soon as he was committed to the custody of his guardian. But his death was preceded by the imprisonment and execution of his mother. After blackening her reputation, and inflaming against her the passions of the multitude, the tyrant accused and tried the empress for a treasonable correspondence with the king of Hungary. His own son, a youth of honour and humanity, avowed his abhorrence of this flagitious act, and three of the judges had the merit of preferring their conscience to their safety; but the obsequious tribunal, without requiring any proof, or hearing any defence, condemned the widow of Manuel; and her unfortunate son subscribed the sentence of her death. Maria was strangled, her corpse was buried in the sea, and her memory was wounded by the insult most offensive to female vanity, a false and ugly representation of her beautiful form. The fate of her son was not long deferred: he was strangled with a bowstring, and the tyrant, insensible to pity or remorse, after surveying the body of the innocent youth, struck it rudely with his foot: "Thy father," he cried, "was a *knave*, thy mother a *whore*, and thyself a *fool*!"

The Roman sceptre, the reward of his crimes, was held by Andronicus about three years and a half as the guardian or sovereign of the empire. His government exhibited a singular contrast of vice and virtue. When he listened to his passions, he was the scourge; when he consulted his reason, the father, of his people. In the exercise of private justice, he was equitable and rigorous: a shameful and pernicious venality was abolished, and the offices were filled with the most deserving candidates by a prince who had sense to chuse, and severity to punish. He prohibited the inhuman practice of pillaging the goods and persons of shipwrecked mariners; the provinces, so long the objects of oppression or neglect, revived in prosperity and plenty; and millions applauded the distant blessings of his reign, while he was cursed by the witnesses of his daily cruelties. The

ancient proverb, That blood-thirsty is the man who returns from banishment to power, had been applied with too much truth to Marius and Tiberius; and was now verified for the third time in the life of Andronicus. His memory was stored with a black list of the enemies and rivals, who had traduced his merit, opposed his greatness, or insulted his misfortunes; and the only comfort of his exile was the sacred hope and promise of revenge. The necessary extinction of the young emperor and his mother, imposed the fatal obligation of extirpating the friends, who hated, and might punish, the assassin; and the repetition of murder rendered him less willing, and less able, to forgive. An horrid narrative of the victims whom he sacrificed by poison or the sword, by the sea or the flames, would be less expressive of his cruelty than the appellation of the Halcyon-days, which was applied to a rare and bloodless week of repose: the tyrant strove to transfer, on the laws and the judges, some portion of his guilt; but the mask was fallen, and his subjects could no longer mistake the true author of their calamities. The noblest of the Greeks, more especially those who, by descent or alliance, might dispute the Comnenian inheritance, escaped from the monster's den: Nice or Prusa, Sicily or Cyprus, were their places of refuge; and as their flight was already criminal, they aggravated their offence by an open revolt, and the Imperial title. Yet Andronicus resisted the daggers and swords of his most formidable enemies: Nice and Prusa were reduced and chastised: the Sicilians were content with the sack of Thessalonica; and the distance of Cyprus was not more propitious to the rebel than to the tyrant. His throne was subverted by a rival without merit, and a people without arms. Isaac Angelus, a descendant in the female line from the great Alexius, was marked as a victim, by the prudence or superstition of the emperor. In a moment of despair, Angelus defended his life and liberty, slew the executioner, and fled to the church of St. Sophia. The sanctuary was insensibly filled with a curious and mournful crowd, who, in his fate, prognosticated their own. But their lamentations were soon turned to curses, and their curses to threats: they dared to ask, "Why do we fear? why do we obey? We are many, and he is one; our patience is the only bond of our slavery."

With the dawn of day the city burst into a general sedition, the prisons were thrown open, the coldest and most servile were roused to the defence of their country, and Isaac, the second of the name, was raised from the sanctuary to the throne. Unconscious of his danger, the tyrant was absent; withdrawn from the toils of state, in the delicious islands of the Propontis. He had contracted an indecent marriage with Alice, or Agnes, daughter of Lewis the seventh, of France, and relict of the unfortunate Alexius; and his society, more suitable to his temper than to his age, was composed of a young wife and a favourite concubine. On the first alarm he rushed to Constantinople, impatient for the blood of the guilty; but he was astonished by the silence of the palace, the tumult of the city, and the general desertion of mankind. Andronicus proclaimed a free pardon to his subjects; they neither desired, nor would grant, forgiveness: he offered to resign the crown to his son Manuel; but the virtues of the son could not expiate his father's crimes. The sea was still open for his retreat; but the news of the revolution had flown along the coast; when fear had ceased, obedience was no more; the Imperial galley was pursued and taken by an armed brigantine; and the tyrant was dragged to the presence of Isaac Angelus, loaded with fetters, and a long chain round his neck. His eloquence, and the tears of his female companions, pleaded in vain for his life; but, instead of the decencies of a legal execution, the new monarch abandoned the criminal to the numerous sufferers, whom he had deprived of a father, an husband, or a friend. His teeth and hair, an eye and a hand, were torn from him, as a poor compensation for their loss; and a short respite was allowed, that he might feel the bitterness of death. Astride on a camel, without any danger of a rescue, he was carried through the city, and the basest of the populace rejoiced to trample on the fallen majesty of their prince. After a thousand blows and outrages, Andronicus was hung by the feet, between two pillars that supported the statues of a wolf and sow; and every hand that could reach the public enemy, inflicted on his body some mark of ingenious or brutal cruelty, till two friendly or furious Italians, plunging their swords into his body, re-

leased him from all human punishment. In this long and painful agony, "Lord have mercy upon me! and why will you bruise a broken reed?" were the only words that escaped from his mouth. Our hatred for the tyrant is lost in pity for the man; nor can we blame his pusillanimous resignation, since a Greek Christian was no longer master of his life.

I have been tempted to expatiate on the extraordinary character and adventures of Andronicus; but I shall here terminate the series of the Greek emperors since the time of Heraclius. The branches that sprang from the Comnenian trunk had insensibly withered; and the male line was continued only in the posterity of Andronicus himself, who, in the public confusion, usurped the sovereignty of Trebizond, so obscure in history, and so famous in romance. A private citizen of Philadelphia, Constantine Angelus, had emerged to wealth and honours, by his marriage with the daughter of the emperor Alexius. His son Andronicus is conspicuous only by his cowardice. His grandson Isaac punished and succeeded the tyrant; but he was dethroned by his own vices, and the ambition of his brother; and their discord introduced the Latins to the conquest of Constantinople, the first great period in the fall of the Eastern empire.

If we compute the number and duration of the reigns, it will be found, that a period of six hundred years is filled by sixty emperors, including in the Augustan list some female sovereigns; and deducting some usurpers who were never acknowledged in the capital, and some princes who did not live to possess their inheritance. The average proportion will allow ten years for each emperor, far below the chronological rule of Sir Isaac Newton, who, from the experience of more recent and regular monarchies, has defined about eighteen or twenty years as the term of an ordinary reign. The Byzantine empire was most tranquil and prosperous when it could acquiesce in hereditary succession; five dynasties, the Heraclian, Isaurian, Amorian, Basilian, and Comnenian families, enjoyed and transmitted the royal patrimony during their respective series, of five, four, three, six, and four generations; several princes number the years of their reign with those of their infancy; and Constantine the

seventh and his two grandsons occupy the space of an entire century. But in the intervals of the Byzantine dynasties, the succession is rapid and broken, and the name of a successful candidate is speedily erased by a more fortunate competitor. Many were the paths that led to the summit of royalty; the fabric of rebellion was overthrown by the stroke of conspiracy, or undermined by the silent arts of intrigue; the favourites of the soldiers or people, of the senate or clergy, of the women and eunuchs, were alternately clothed with the purple: the means of their elevation were base, and their end was often contemptible or tragic. A being of the nature of man, endowed with the same faculties, but with a longer measure of existence, would cast down a smile of pity and contempt on the crimes and follies of human ambition, so eager, in a narrow span, to grasp at a precarious and short-lived enjoyment. It is thus that the experience of history exalts and enlarges the horizon of our intellectual view. In a composition of some days, in a perusal of some hours, six hundred years have rolled away, and the duration of a life or reign is contracted to a fleeting moment: the grave is ever beside the throne; the success of a criminal is almost instantly followed by the loss of his prize; and our immortal reason survives and disdains the sixty phantoms of kings who have passed before our eyes, and faintly dwell on our remembrance. The observation, that, in every age and climate, ambition has prevailed with the same commanding energy, may abate the surprize of a philosopher; but while he condemns the vanity, he may search the motive, of, this universal desire to obtain and hold the sceptre of dominion. To the greater part of the Byzantine series, we cannot reasonably ascribe the love of fame and of mankind. The virtue alone of John Comnenus was beneficent and pure: the most illustrious of the princes, who precede or follow that respectable name, have trod with some dexterity and vigour the crooked and bloody paths of a selfish policy; in scrutinizing the imperfect characters of Leo the Isaurian, Basil the first, and Alexius Comnenus, of Theophilus, the second Basil, and Manuel Comnenus, our esteem and censure are almost equally balanced; and the remainder of the Impérial crowd could only desire and ex-

pect to be forgotten by posterity. Was personal happiness the aim and object of their ambition? I shall not descant on the vulgar topics of the misery of kings; but I may surely observe, that their condition, of all others, is the most pregnant with fear, and the least susceptible of hope. For these opposite passions, a larger scope was allowed in the revolutions of antiquity, than in the smooth and solid temper of the modern world, which cannot easily repeat either the triumph of Alexander or the fall of Darius. But the peculiar infelicity of the Byzantine princes exposed them to domestic perils, without affording any lively promise of foreign conquest. From the pinnacle of greatness, Andronicus was precipitated by a death more cruel and shameful than that of the vilest malefactor; but the most glorious of his predecessors had much more to dread from their subjects than to hope from their enemies. The army was licentious without spirit, the nation turbulent without freedom; the Barbarians of the East and West pressed on the monarchy, and the loss of the provinces was terminated by the final servitude of the capital.

The entire series of Roman emperors, from the first of the Cæsars to the last of the Constantines, extends above fifteen hundred years: and the term of dominion unbroken by foreign conquest, surpasses the measure of the ancient monarchies; the Assyrians or Medes, the successors of Cyrus, or those of Alexander.

END OF THE SIXTH VOLUME.

